DEPARTMENT OF ENVIRONMENTAL PROTECTION

Monthly Enforcement Report for actions during May 2007

DISTRIBUTED: June 14, 2007

This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. This report does not include summaries of the hundreds of compliance related activites occurring every month because it is impractical to capture a sampling of those activities that would be representative of that work. 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 following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose and deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Department of the Attorney General (violator followed by location of violation):

Air Quality:

M.W. Sewall & Co., West Bath, Brunswick, Yarmouth, Portland, and Scarborough, Maine. M.W. Sewall & Co. ("Sewall") violated the Department's rules for *Gasoline Dispensing Facilities Vapor Control* by failing to conduct required annual performance testing in a timely manner for Stage II vapor recovery systems at five of its gasoline dispensing facilities. To resolve the violations, Sewall paid $5,000.00 as a civil monetary penalty.

Wausau Papers Otis Mill, Inc., Jay, Maine. Wausau Papers Otis Mill, Inc. ("Wausau") violated provisions of its Department-issued air emission license. Following submission of mandatory reports, the Department documented that the Wausau had operated the facility for a period of 156 days during which the facility's continuous opacity monitors were not properly calibrated. Following Department involvement Wausau properly calibrated the continuous opacity monitors. To resolve the violation, Wausau paid $22,333.00 as a civil monetary penalty.

Land:

Alfond Youth Center, Oakland, Maine. Alfond Youth Center ("Alfond") violated provisions of Maine's *Stormwater Management Act* by causing one acre or more of disturbed land area without first obtaining a permit from the Department. Specifically, a Department inspection revealed that Alfond had disturbed soil in an area in excess of two acres and had constructed two buildings. The *Stormwater Management Act* requires a permit for disturbances of one acre or more. Following Department involvement, Alfond submitted an after-the-fact permit application for the disturbance, which was subsequently approved. To resolve the violation, Alfond paid $1,500.00 as a civil monetary penalty.

Randall Williamson, Nobleboro, Maine. Randall Williamson ("Williamson") violated provisions of Maine's *Natural Resources Protection Act, Erosion and Sedimentation Control* law, and the Department's *Permit-by-Rule* standards by filing a permit-by-rule notification with the Department and not following permit-by-rule standards. Williamson submitted a permit-by-rule notification to disturb soil within 75 feet of Damariscotta Lake during construction of a driveway. The driveway was described in the permit application to be approximately 68 feet from Damariscotta Lake. A Department inspection revealed that the driveway had been constructed within 25 feet of Damariscotta Lake. Furthermore, erosion controls were not installed properly. Following Department involvement, Williamson moved the driveway and installed appropriate erosion controls. A subsequent inspection documented that the driveway was in compliance with the Department's permit-by-rule standards. To resolve the violations, Williamson paid $1,030.00 as a civil monetary penalty.

Dearborn Brothers Construction, Inc., Buxton, Maine. Dearborn Brothers Construction, Inc. ("Dearborn") violated Maine's *Site Location of Development* law by constructing buildings, a parking area, and a storage area totaling 6.73 acres of structure area without first obtaining a permit from the Department. Maine's *Site Location of*

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Development law requires a permit for three or more acres of structure area. Following Department involvement, Dearborn submitted an after-the-fact permit application for the structure area, which was subsequently approved by the Department. To resolve the violation, Dearborn paid $3,890.00 as a civil monetary penalty.

Murray Laplant & Sons, Inc., Aurora, Maine. Murray Laplant & Sons, Inc. ("Laplant") violated provisions of Maine's *Natural Resources Protection Act* by constructing a boat ramp into Lower Middle Branch Pond, a great pond, and in the process of constructing the ramp placed fill material in and adjacent to the pond. Laplant did not have a permit for this activity from the Department as required by the *Natural Resources Protection Act*. To resolve the violation, Laplant agreed to submit an after-the-fact application under the *Natural Resources Protection Act*, and, if approved, to comply with all terms and conditions of the after-the-fact permit, or, if denied, to submit a restoration plan for the removal of all fill within 75 feet of the lake and for replanting the area. Laplant paid $1,500.00 as a civil monetary penalty.

Birgitta Parker, Rangeley, Maine. Birgitta Parker ("Parker") violated provisions of Maine's *Natural Resources Protection Act* by disturbing soil within 75 feet of a great pond without first obtaining a permit from the Department. Parker removed vegetation and grubbed areas within 75 feet of the shoreline of Rangeley Lake. To resolve the violation, Parker agreed to submit a restoration plan to the Department to restore the disturbed area, and paid $1,150.00 as a civil monetary penalty.

Dan McManus and Chenard Construction, Inc., Livermore, Maine. Dan McManus ("McManus") and Chenard Construction, Inc. ("Chenard") violated provisions of Maine's *Natural Resources Protection Act* by disturbing soil and constructing a permanent structure adjacent to a great pond without first obtaining a permit from the Department. Specifically, a Department inspection revealed that during reconstruction of an existing camp McManus and Chenard had disturbed soil to the edge of Long Pond and a rock retaining wall had been constructed adjacent to the pond. Following Department involvement, McManus filed a permit-by-rule application for reconstruction of the camp, which was subsequently approved by the Department, and submitted a restoration plan to completely restore the area adjacent to Long Pond. To resolve the violation, McManus and Chenard agreed to implement the restoration plan submitted to the Department and paid $900.00 as a civil monetary penalty.

JPSGJ Realty Holdings, LLC and Hanley Construction, Inc., Bristol, Maine. JPSGJ Realty Holdings, LLC ("JPSGJ") and Hanley Construction, Inc. ("Hanley") violated provisions of Maine's *Stormwater Management Act* by failing to follow erosion control measures required by a Department-issued permit, and the *Erosion and Sedimentation Control* law by exposing soil without taking measures to prevent unreasonable erosion beyond the project site. Specifically, during the construction of an access road for a subdivision, JPSGJ and Hanley allowed sediment to actively discharge from the project site. A Department inspection revealed that no erosion controls were being used in some areas and inadequate erosion controls were being used in other areas. Following a Department involvement, an inspection determined that additional erosion controls had been installed and sediment was no longer leaving the project site. To resolve the violation, JPSGJ and Hanley paid $3,500.00 as a civil monetary penalty.

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Steve McGee, Jeff Malinowski, and Michael Chick, Pittston, Maine. Steve McGee ("McGee"), Jeff Malinowski ("Malinowski"), and Michael Chick ("Chick") violated provisions of Maine's *Natural Resources Protection Act* by displacing soil and vegetation and filling adjacent to a stream, and constructing a culverted stream crossing, without first obtaining a permit from the Department. McGee, Malinowski, and Chick violated Maine's *Erosion and Sedimentation Control* law by displacing soil without taking measures to prevent unreasonable erosion of soil or sediment. A Department inspection revealed that McGee, Malinowski, and Chick had constructed a subdivision access road adjacent to a stream and crossed the stream with a culvert for another road. At the time of the Department inspection, insufficient erosion controls were installed at the site. Following Department involvement, McGee, Malinowski, and Chick submitted an after-the-fact permit-by-rule application for construction of the road adjacent to the stream and for the stream crossing, the permit-by-rule application was subsequently approved by the Department. A subsequent Department inspection determined that appropriate erosion controls had be installed. To resolve the violations, McGee, Malinowski, and Chick paid $5,365.00 as a civil monetary penalty.