



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Monthly Enforcement Report

for actions during September and October

2024

ISSUED: November 7th, 2024

This report has been prepared to satisfy a statutory obligation under 38 M.R.S. § 349(7) that the Maine Department of Environmental Protection inform the public of certain enforcement resolutions. Please contact Ronald Mongeon at (207) 530-3138 or ronald.mongeon@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/or impose penalties to deter similar actions in the future.

Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

STC New England LLC doing business as Sun Tan City, Chelsea, Kennebec County, Maine. STC New England LLC, doing business as Sun Tan City, (hereinafter STC) operates a tanning business and salons in Maine and New Hampshire and has principal universal waste storage location at Capital Area Self Storage in Chelsea, Maine. STC is a generator and accumulator of universal waste including, but not limited to, fluorescent lamps and small sealed lead acid batteries. In 2019, the Maine Department of Environmental Protection (hereinafter DEP) received a complaint from the Augusta Office of Code Enforcement about a large quantity of spent mercury lamps stored in the basement of an apartment building on Water Street in Augusta. The DEP investigated and found a stockpile of lamps. In 2022, the DEP conducted an inspection at the storage facility in Chelsea, Maine. During both 2019 and 2022, the DEP observed multiple violations of Maine's *Hazardous Waste, Septage and Solid Waste Management Act*, 38 M.R.S. §§ 1301-1919-Y, and the Department's *Hazardous Waste Management Rules*, 06-096 C.M.R. ch. 850-858. Violations included: failing to obtain a State or EPA identification number; failing to immediately contain discharged universal waste; failing to handle broken lamps properly; failing to store universal waste in containers that are closed, structurally sound, compatible with the content of the waste, and that show no evidence of leakage or damage; failing to mark containers with the words "Waste Lamps"; failing to label each universal waste container or collection container with an accumulation start date and date the container becomes full; failing to mark each container with the date the universal waste is received at the storage facility or to mark the container with the date the first universal waste is placed in the collection container and when the container is full; failing to maintain a spill plan in conveyances used to transport universal waste and to confirm that the conveyance operator would be familiar with the spill plan; failing to properly track universal waste via manifest, bill of lading or log system; failing to maintain an inventory system on site that identifies the date and manifest for each universal waste container or group of containers; failing to conduct weekly inspections and the storage facility and document such inspections via a log; failing to ship universal waste accompanied by a manifest when shipping from a storage facility to an out of state receiving facility; failing to store universal waste containers and boxes with adequate aisle



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space to be able to inspect the containers and determine accumulation start dates and container full dates; failing to train all employees and contractors who handle or have responsibility for managing universal wastes on proper handling and emergency procedures; and failing to submit quarterly reports or completed log forms to the DEP. After the site visit to the Augusta location in 2019, STC removed all intact bulbs and sent them for recycling, shipped the broken lamps and debris as hazardous waste, moved its storage facility to the Chelsea site and addressed all of the remaining violations by October 19, 2019. STC addressed all of the Chelsea violations by June 2, 2023. To resolve these violations, STC agreed to pay to the *Treasurer, State of Maine, c/o Hazardous Waste Fund*, a civil monetary penalty in the amount of thirty-nine thousand one hundred dollars (\$39,100.00) in three payments.

Mainehealth, doing business as Franklin Memorial Hospital, Farmington, Franklin County, Maine. Mainehealth, doing business as Franklin Memorial Hospital, (hereinafter Maine Health) operates a hospital in Farmington, Maine and is a generator of hazardous waste including, but not limited to, acute P-listed and non-acute D- and U- listed waste pharmaceuticals and universal wastes. During a 2023 inspection, the Maine Department of Environmental Protection, (hereinafter DEP) observed multiple violations of Maine's *Hazardous Waste, Septage and Solid Waste Management Act*, 38 M.R.S. §§ 1301-1919-Y, and the Department's *Hazardous Waste Management Rules*, 06-096 C.M.R. ch. 850-858. Violations observed included: failing to label each universal waste container with an accumulation start date and date the container became full; failing to mark one or more containers with the words "Waste Lamps"; failing to mark one or more containers with the words "Waste PCP Ballasts"; failing to store universal wastes in containers that are closed, structurally sound, compatible with the content of the waste, and show no evidence of leakage or damage; failing to store containers in a manner that allow the unobstructed movement of personnel, fire equipment, spill control equipment and decontamination equipment; failing to maintain an inventory system on-site that identifies the universal waste types and numbers of items in storage; failing to conduct weekly inspections and maintain written inspection logs; failing to maintain hazardous waste on an impervious surface and in an intact secondary containment and collection system; failing to maintain a spill kit; failing to store hazardous waste in closed containers; failing to use the United States Environmental Protection Agency identification number assigned to the facility for all hazardous waste shipments; failing to train all employees and contractors who handle or have responsibility for managing hazardous wastes on proper handling and emergency procedures; failing to post signage with the legend "No Smoking" signs at the entrances of the hazardous waste storage areas; failing to conduct weekly Satellite Accumulation Area inspections; failing to report missing manifest copies; failing to maintain a complete contingency plan; and failing to



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document its attempt to update aid agreements annually and in writing. While Maine Health has completed multiple corrective actions, at the time of the Agreement Maine Health had not completed the following corrective actions: provided training records for two employees or provided any job descriptions for positions that include handling of Federal Resource Conservation and Recovery Act (RCRA) hazardous waste. To resolve these violations, Maine Health agreed to pay to the *Treasurer, State of Maine, c/o Hazardous Waste Fund*, a civil monetary penalty in the amount of twenty thousand one hundred and fifty dollars (\$20,150.00), submit training records specific to hazardous waste for all employees required to be trained, and provide job descriptions for positions that handle hazardous waste.

The VW Garage, LLC and Corey Sterling, South Portland, Cumberland County, Maine. The VW Garage (hereinafter VW Garage), whose managing member is Corey Sterling (hereinafter Sterling), operates a garage on property owned by AKA, LLC in South Portland, Maine. On August 24, 2021, the Maine Department of Environmental Protection (hereinafter DEP) was informed by the Town of South Portland of complaints of an alleged petroleum like discharge from a storm drain discharge point on Willard Beach. Numerous beach goers complained of burning sensations and strong petroleum odors in the area. First responders traced the release back to 491 Cottage Road in South Portland, formerly known as Hill's Service Station. The South Portland Fire Department observed Sterling and another individual attempting to stop a mixture of oil, water and detergents from running across the parking area in front of the former auto repair facility and being released into a storm drain. Sterling indicated that he was pressure washing the interior when the oily liquids backed up and overflowed a collection pit in the garage bay floor. The Fire Department and Response Services of the DEP initiated cleanup efforts which continued through the evening and over the next several days. This resulted in the beach closure from August 24-28, 2021. Approximately 3,500 gallons of oily water was removed from the affected storm water system and approximately 3,000 pounds of oiled debris was recovered from the storm water system and beach. The oil contaminated media was disposed of at Clean Harbors facility in South Portland. The DEP spent \$52,082.26 in total from the Maine Ground and Surface Waters Clean-Up and Response Fund to clean-up the discharge and dispose of the oil contaminated media. By discharging oil into or upon coastal waters and the beaches and lands adjoining the seacoast, VW Garage and Sterling violated 38 M.R.S. § 543. By failing to immediately undertake the removal of the discharge of oil into or upon coastal waters and the beaches and lands adjoining the seacoast to the commissioner's satisfaction, VW Garage and Sterling violated 38 M.R.S. § 548. To resolve these violations, VW Garage and Sterling agreed to pay the *Treasurer, State of Maine, c/o the Maine Ground and Surface Waters Clean-up and Response Fund*, fifty four thousand eighty two dollars and twenty six cents (\$54,082.26) to



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reimburse the DEP costs for clean-up and an additional seventeen thousand five hundred thirty seven dollars and forty seven cents (\$17,537.47) in interest, with all but two thousand dollars (\$2,000.00) of interest suspended pursuant to successful reimbursement of DEP's costs to clean-up and dispose of materials. In addition, VW Garage and Sterling agreed to pay to the *Treasurer, State of Maine, c/o the Maine Ground and Surface Waters Clean-up and Response Fund*, a civil monetary penalty in the amount of six thousand dollars (\$6,000.00) with all penalties suspended pursuant to reimbursement of DEP's costs to clean-up and dispose of materials.

Trombley Industries, Inc., Limestone, Aroostook County, Maine. Trombley Industries, Inc. (hereinafter Trombley) operates a construction business with its principal location in Limestone, Maine. The violations described in the Agreement occurred at 849 Access Highway in Limestone, Maine. In September of 2022 the Maine Department of Environmental Protection (hereinafter DEP) received a complaint from the United States Fish and Wildlife Service regarding siltation into Greenlaw Brook, a Class B stream, in Limestone. DEP staff investigated the complaint and found unusually high levels of fine silt on the bottom of the brook. Staff found that the silt came from a small tributary to Greenlaw Brook, which was also filled with fine silt. DEP's investigation found that Greenlaw Brook was hydrologically connected to a silt filled wetland upstream and that there was an active discharge of sediment laden water from a point just north of Access Highway on the east side of the Trombley property. Staff sampling found 7,625 milligrams per liter of total suspended solids from the discharge. Staff determined that the pipe on the Trombley property had been installed under a road and through an earthen bank as part of a gravel washing operation, thereby draining the wastewater. In a second visit to the site, staff determined that the discharge from the site had ceased. By discharging pollutants to the Waters of the State without a license, Trombley violated 38 M.R.S. § 413(1). As of the date of the agreement, Trombley had completed all requested corrective actions. To resolve the violations, Trombley agreed to provide the *Friends of the Aroostook National Wildlife Refuge*, twelve thousand dollars (\$12,000.00) to fund a supplemental environmental project to provide signage and other infrastructure for the Mi'kmaq Heritage Corridor Trail, sponsor and participate in a DEP-approved training on Best Management Practices to protect water quality for construction contractors in Aroostook County by November 1, 2024, and pay to the *Treasurer, State of Maine*, a civil monetary penalty of one hundred dollars (\$100.00) per day per violation for any violation of any provision of the Agreement.