



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Monthly Enforcement Report

for actions during November 2024

ISSUED: December 16th, 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):

Auto Shine Car Wash, L.L.C., Windham, Cumberland County, Maine. Auto Shine Car Wash, L.L.C. (hereinafter Auto Shine) operates a car wash in Windham, Cumberland County, Maine. This location has a car wash water recycling system that includes eight different tanks, including an excess water holding tank for car wash wastewater, a separate septic system for the employee restroom and a stormwater management system. At the time of this agreement, the systems described were not connected to the public sewer service. Since September 26, 2018, owners have been required to register underground wastewater treatment tank systems like the one owned by Auto Shine. Auto Shine failed to register its underground car wash wastewater treatment holding tank. During a November 2019 inspection, Department staff observed that recycled wastewater from the car wash had been redirected to the adjacent stormwater collection system through a buried discharge pipe. There was a pavement strip covering the pipe and staff observed suds entering the stormwater catch basin. Days later, the Town of Windham's Code Enforcement Officer informed the Department that Auto Shine had been closed for several days and that there had been construction equipment at the site. In January of 2020, Department staff inspected the site and did not observe any discharge consistent with car wash effluent, soap or odor, in the stormwater catch basin. Upon request, the Department inspected records regarding wastewater hauling, as well as the water delivered to the site by Portland Water District. From July 2018 to November 2019 there was approximately two million gallons of water that were delivered but did not have corresponding documentation of it being properly disposed of. The sampling of wastewater from the car wash system indicated that it included wastewater that exceeded the United States Environmental Protection Agency's (EPA) Maximum Contaminant Levels for lead and thallium and the Maine Department of Disease Control Maximum Exposure Guidelines for chromium, lead, sodium, thallium, benzo(a)pyrene, benzo(b)fluoranthene, C9-C18 aliphatic hydrocarbons and PFAS. By installing a pipe connecting the car wash wastewater to the site's stormwater system, Auto Shine violated the Department's *Rules to Control the Subsurface Discharge of Pollutants*, 06-096 C.M.R. ch. 543, and Maine's *Pollution Control law*, 38 M.R.S. § 413. By failing to register the underground car wash wastewater treatment holding tank with the Department, Auto Shine violated the Department's *Rules for Underground Oil*



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Storage Facilities, 06-096 C.M.R. ch. 691. To resolve the above listed violations, Auto Shine agreed to pay to the *Treasurer, State of Maine*, a civil monetary penalty of two hundred thirty-nine thousand dollars (\$239,000.00) with all but fifty-five thousand eight hundred and ninety-six dollars (\$55,896.00) suspended, as well as providing the Department monthly reports on car wash wastewater disposal until such time as the Auto Shine facility is connected to the municipal sewer. The penalty was partially suspended in consideration of the Department's analysis of Auto Shine's records against the EPA's ability to pay model and Auto Shine's successful compliance with the terms and conditions of the agreement.