



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during January 2019
DISTRIBUTED: February 1, 2019

This report has been prepared to satisfy a statutory obligation under 38 M.R.S. § 349(7) that the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Ronald Mongeon at (207) 287-7740 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 Commissioner and Office of the Attorney General (party followed by location):

Water:

Presque Isle Utilities District, Presque Isle, Maine. Presque Isle Utilities District (PIUD) owns and operates a wastewater treatment facility and collection system. PIUD reported to the Department that on September 7, 2017, October 26, 2017, January 13, 2018, March 30, 2018, April 14, 2018 and August 9, 2018, due to high flow rain events and other conditions, approximately 69,303,620 gallons of primary treated wastewater was discharged to the Aroostook River in violation of Maine's *Pollution Control* law, 38 M.R.S. § 413(1). PIUD also reported on April 30, 2017 that the monthly average percent removal of Biochemical Oxygen Demand was 81%, which is below the 85% removal required in Special Condition A of PIUD's Maine Pollutant Discharge Elimination System (MEPDES) permit. By violating Special Condition A of its MEPDES permit, PIUD violated Maine's *Pollution Control* law, 38 M.R.S. § 414(5). To resolve these violations, PIUD agreed to pay the *Treasurer, State of Maine*, a civil monetary penalty of ten thousand three hundred and seventy-nine dollars (\$10,379.00), with all but one thousand dollars (\$1,000.00) conditionally suspended, and provide the Northern Maine Development Commission one thousand dollars (\$1,000.00) for the funding of the Mantle Lake ADA Compliant Water Access Supplemental Environmental Project. In addition, PIUD agreed to complete a sewer evaluation study, complete replacement or rehabilitation of select collection systems, complete wastewater treatment and collection system upgrades, and submit to the Department, for its review, a report of an evaluation of flows and capacities of the collection systems and treatment facility.

Land:

McGillan, Inc., Fort Fairfield, Maine. McGillan, Inc. is a construction company that is a Maine Corporation with a corporate office in Fort Fairfield, Maine. In response to an anonymous complaint, Department staff inspected and observed that property on South Caribou Road in Fort Fairfield was being prepared for a construction project. Gravel fill had been placed and soil displaced in an area adjacent to the Aroostook River. This activity occurred within 45 feet of the high water line and there were no erosion or sedimentation controls in use at the time of the



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Department's inspection. Upon review of Department records, it was also determined that the project was begun without first obtaining a permit from the Department. By filling and displacing soils adjacent to the Aroostook River without first obtaining a permit, McGillan, Inc. violated the *Natural Resources Protection Act*, 38 M.R.S. § 480-C. By filling and displacing soils without using appropriate erosion and sedimentation controls, McGillan, Inc. violated the *Erosion and Sedimentation Control* law, 38 M.R.S. § 420-C. To resolve these violations, McGillan, Inc. agreed to pay the Northern Maine Development Commission one thousand seven hundred and fifty-three dollars (\$1,753.00) to partially fund the Aroostook County Pollution Prevention Supplemental Environmental Project in Aroostook County, Maine.

Town of Limestone, Limestone, Maine. The Town of Limestone (Limestone) maintains a right of way, Blake Road, that is located in Limestone, Maine. Department staff observed that approximately 45 feet of Webster Brook had been altered by excavation below the normal high water line, that a pool had been created below the Blake Road crossing, that excavated material had been placed adjacent to the brook and that vegetation adjacent to the brook had been removed. Additionally, there were no erosion or sedimentation controls in use on the site at the time of the visit and upon review of Department records, Limestone had completed the project without first obtaining a permit from the Department. By excavating, removing vegetation and placing material in and/or adjacent to Webster Brook without first obtaining a permit from the Department, Limestone violated the *Natural Resources Protection Act*, 38 M.R.S. § 480-C. By conducting the above listed activities without using appropriate erosion and sedimentation controls, Limestone violated the *Erosion and Sedimentation Control* law, 38 M.R.S. § 420-C. To resolve these violations, Limestone agreed to continue to monitor and maintain erosion and sedimentation controls on the project site, have a member of the Public Works Department trained and certified in Erosion and Sedimentation Controls and pay two thousand forty-six dollars (\$2,046.00) to the Northern Maine Development Commission to fund the NMRO Pollution Prevention and Environmental Awareness Supplemental Environmental Project.