



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during February 2019
DISTRIBUTED: March 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):

Land:

Crooker Construction, LLC, Whitefield/Alna, Maine. Crooker Construction, LLC (Crooker) is a limited liability company authorized to conduct business within the State of Maine. Crooker owns and operates a gravel pit that is located within seven parcels in Whitefield and two parcels in Alna, encompassing approximately 251 acres of land. During an inspection by Department staff, it was observed that Crooker excavated sand and gravel within the 100-foot natural buffer of Ben Bailey Road. It was also observed that an earthen berm was constructed within 14 feet of Ben Bailey Road. By failing to maintain a natural buffer strip at least 100 feet wide between the working edge of an excavation and a public road, Crooker violated the *Performance Standards for Excavations*, 38 M.R.S. § 490-D(6-A)(B). To resolve these violations, Crooker agreed to complete restoration of the natural buffer along Ben Bailey Road and to pay to the *Treasurer, State of Maine*, a civil monetary penalty of twenty-one thousand five hundred sixty-seven dollars (\$21,567.00).

EPC099 Trust, Fort Fairfield, Maine. EPC099 Trust (Trust) owns a parcel of land in Fort Fairfield that is adjacent to the Aroostook River. Department staff inspected the property in response to an anonymous complaint and observed that the property was being prepared for a construction project. Staff observed that gravel fill had been placed and soils had been displaced within an area adjacent to the Aroostook River. Department staff did not observe the use of appropriate erosion and sedimentation controls on the property at the time of the inspection. By conducting or causing to be conducted an activity that involves filling, removing or displacing soil or other earthen materials adjacent to a protected resource without first obtaining a permit, the Trust violated the *Natural Resources Protection Act*, 38 M.R.S. § 480-C. By conducting or causing to be conducted an activity that involves filling, displacing or exposing soil or other earthen material without first taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource, the Trust violated the *Erosion and Sedimentation Control law*, 38 M.R.S. § 420-C. To resolve these violations, the



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Trust agreed to complete the replanting and restoration of the area, pursuant to the plan submitted and approved by the Department, and to pay to the *Treasurer, State of Maine*, a civil monetary penalty of one thousand four hundred and fifty-eight dollars (\$1,458.00).