



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during March 2019
DISTRIBUTED: April 2, 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:

Coastal Maine Botanical Gardens, Inc., Boothbay, Maine. Coastal Maine Botanical Gardens, Inc. (CMBG) is a Maine non-profit corporation that operates botanical gardens in Boothbay, Maine. In October of 2016, the Department granted approval to CMBG to permanently alter 62,641 square feet of freshwater wetland; convert 3,211 square feet of forested freshwater wetland to emergent wetland; and permanently alter 262,935 square feet of critical terrestrial habitat of eight significant vernal pools in association with the expansion of the facilities at the botanical gardens. In 2017 CMBG submitted a minor revision application, withdrew the revision application and submitted a new application for minor revision. On March 15, 2018 and June 18, 2018, the Department granted after-the-fact approval to make adjustments to various structures and relocate a subsurface wastewater disposal system. During inspections by a third-party inspector in 2017, it was observed that CMBG: placed permanent structures in areas not previously approved; altered wetland without prior approval; installed structures not previously approved; and performed excavation and construction of structures and areas prior to the application for minor revisions being approved. By filling or causing to be filled a freshwater wetland without first obtaining permits from the Department, CMBG violated the *Natural Resources Protection Act*, 38 M.R.S. § 480-C. By failing to follow the plans submitted and approved by the Department Order dated October 26, 2016, CMBG violated Standard Condition A of the October 26, 2016 Order and the *Site Location of Development Act*, 28 M.R.S. § 483-A(2). A restoration plan was submitted by CMBG and approved by the Department on July 13, 2017 and the plan has been completed to the Department's satisfaction. To resolve these violations CMBG agreed to pay the Atlantic Salmon Federation eighteen thousand six hundred and twenty-nine dollars (\$18,629,00) for the purposes of completing the Head Tide Dam Modification Project, which is a Supplemental Environmental Project.



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Asbestos:

Safe Environmental Solutions, Gorham, Maine. Safe Environmental Solutions, (“SES”) is a corporation authorized to conduct business in Maine. SES is licensed to operate an asbestos abatement contractor business in Maine. In October of 2018, Department staff, during a routine on-site inspection, observed: that there was an SES employee removing flooring while not wearing protective clothing, that SES failed to post warning signs, that SES failed to contain demolition, that SES failed to establish a decontamination facility and that SES failed to adequately wet Asbestos-containing Material during abatement activities. By performing the above listed activities, SES violated the *Asbestos Management Regulations* rule, 06-096 C.M.R. ch. 425 and Maine’s *Asbestos* laws, 38 M.R.S. §§ 1271-1284. To resolve these violations SES agreed to provide the Department a new Standard Operating Procedures, include a checklist with a line for the manager in charge to sign and keep available for Department inspection and pay the *Treasurer, State of Maine*, a civil monetary penalty in the amount of seven thousand four hundred dollars (\$7,400.00).