



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during October 2018

DISTRIBUTED: November 9, 2018

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.

Cases Prosecuted by the Attorney General in Superior Court (party followed by location):

Land:

Thomas F. Holovacs, Karrie D. Holovacs, L.C.E. Landscaping and Casey Glew, Lovell, Maine. Thomas F. Holovacs and Karrie D. Holovacs (Holovacs) owners of property in Lovell, either constructed or allowed to be constructed by L.C.E. Landscaping and Casey Glew a stone patio within the 100-foot water setback requirement, in violation of the Town of Lovell Shoreland Zoning Ordinance. The Town of Lovell brought a Maine Rules of Civil Procedure 80K action in Superior Court, in which the Department of Environmental Protection joined as a plaintiff. After a trial, in which the Attorney General's office provided representation for the Department, it was ordered "[t]hat part of the patio lying on the water side of the 100-foot setback line must be removed within 30 days of the date this Order becomes final."

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

Asbestos:

Envirovantage, Inc., Kennebunk, Maine. Envirovantage, Inc. (Envirovantage) is a corporation that is duly organized and existing under the laws of New Hampshire. Envirovantage is licensed to operate an asbestos abatement contractor business in Maine. At a property in Kennebunk, Maine, it was observed that Envirovantage employees failed to decontaminate prior to exiting the regulated area, failed to wear clothing that does not leave the regulated area, and engaged in asbestos abatement activities without a valid certification. To resolve these violations Envirovantage agreed to conduct quarterly training for all employees, ensure all employees are properly certified and pay a civil monetary penalty in the amount of four thousand dollars (\$4,000.00).



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Oil:

J & S Oil Co., Inc., Avon, Maine. J & S Oil Co., Inc. (J&S) is Maine company that operates an oil delivery and service business in Maine. In response to an anonymous report, the Department investigated a complaint that oil sheen was leaving a property and entering Sandy River in Avon, Maine. Staff was able to trace the visible oil sheen upriver to a drainage area and then up-gradient to a site in which staff met the owner of the property who explained that J&S had overfilled a 12,000 gallon diesel above ground storage tank. Staff also observed oil stained soils and oil sheen leaving the site. ACV Enviro. was dispatched to respond with a vacuum truck to collect diesel. J&S retained the services of FGS Consulting to oversee the remediation of the site pursuant to a Cleanup Actions Agreement and under the guidance of the Department. By suffering or causing a prohibited discharge of oil, J&S violated the *Oil Discharge Prevention and Pollution Control law*, 38 M.R.S. § 543. By failing to immediately undertake actions to clean up the prohibited discharge, J&S violated the *Oil Discharge Prevention and Pollution Control law*, 38 M.R.S. § 548. To resolve these violations, J&S agreed to complete all remaining remediation pursuant to the satisfaction of the Department and pay a civil monetary penalty to the *Maine Ground and Surface Waters and Response Fund*, in the amount of fifteen thousand dollars (\$15,000.00).

GCA Logging, Inc., Avon, Maine. GCA Logging, Inc. (GCA) is a Maine company operating a logging and trucking business. In response to an anonymous report, the Department investigated a complaint that oil sheen was leaving a property and entering Sandy River in Avon, Maine. Staff was able to trace the visible oil sheen upriver to a drainage area and then up-gradient to a site in which staff met with GCA who explained that J&S had overfilled a 12,000 gallon diesel above ground storage tank. Staff also observed oil stained soils and oil sheen leaving the site. ACV Enviro. Was dispatched to respond with a vacuum truck to collect diesel. J&S retained the services of FGS Consulting to oversee the remediation of the site pursuant to a Cleanup Actions Agreement and under the guidance of the Department. By suffering or causing a prohibited discharge of oil, GCA violated the *Oil Discharge Prevention and Pollution Control law*, 38 M.R.S. § 543. By failing to immediately undertake actions to clean up the prohibited discharge, GCA violated the *Oil Discharge Prevention and Pollution Control law*, 38 M.R.S. § 548. To resolve these violations, GCA agreed to complete all remaining remediation pursuant to the satisfaction of the Department and pay a civil monetary penalty to the *Maine Ground and Surface Waters and Response Fund*, in the amount of six thousand dollars (\$6,000.00).