



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
ACTING COMMISSIONER

Certified Mail #: 7007 2680 0000 6633 7078

December 28, 2011

Central Maine Power Company
83 Edison Drive
Augusta, ME 04333
ATTN: Douglas Herling

Re: Letter of Warning, MPRP project, Department Order #L-24620-26-A-N/L-24620-TG-B-N/L-24620-VP-C-N/L-24620-IW-D-N

Dear Mr. Herling:

This letter is to inform you that the Department has noted several incidents of the failure of your company to comply with Maine’s *Protection and Improvement of Waters Act*, 38 M.R.S.A. § 413, *the Erosion and Sedimentation Control Law*, 38 M.R.S.A. § 420-C, Special Condition #2 of Department Order #L-24620-26-A-N/L-24620-TG-B-N/L-24620-VP-C-N/L-24620-IW-D-N, and the *Site Location of Development Law*, 38 M.R.S.A. § 483-A, during construction of the MPRP project. These incidents include but are not limited to the following:

Segment 18 (Pownal):

On November 28, 2011 the Department’s Third Party Inspector documented a discharge of sediment into Runaround Brook off Fickett and Allen Roads in Pownal during the construction of transmission lines associated with Segment 18. Department staff followed up with an inspection on November 30, 2011 in the area of the reported discharge and noted that perimeter erosion and sedimentation controls had not been installed around an active work area that was being graded and mulched with hay at the time of the inspection. Conditions were rainy and water flowing towards Runaround Brook was turbid. In other active work areas, erosion and sedimentation controls were installed but turbid water was documented leaving the work area. During the November 30 inspection, Department staff noted turbid water flowing in the roadside ditch of Allen Road and followed the turbidity to its source; equipment working/traveling on mats was “pumping” suspended sediment into adjacent wetlands. There were no perimeter erosion and sedimentation controls at this location. On December 13, 2011, the Department’s Third Party Inspector documented that corrective actions were underway at the site.

On December 7, 2011 the Department’s Third Party Inspector documented a discharge of sediment into a tributary of Chandler Brook off Sweetser Road in Pownal during the construction of transmission lines associated with Segment 18. The Third Party Inspector

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documented several locations where turbid water was flowing into Chandler Brook. Prior Third Party Inspection reports, including the report dated December 5, 2011, recommended installation of sediment barriers and general erosion control housekeeping measures in the area. Actions taken by your contractor were not adequate to control sediment from discharging into the protected natural resource. On December 13, 2011, the Department's Third Party Inspector documented that corrective actions were underway at the site.

Segment 40A (Stockton Springs):

On December 8, 2011, the Department's Third Party Inspector documented a discharge of sediment into a freshwater wetland (C-40A-86-85-1) and an unnamed stream (A-40A-86-80-1-1) during the construction of transmission lines associated with Segment 40A, located off Sherer Road in Stockton Springs. The erosion and sedimentation controls installed by your contractor were either inadequate to handle the flow of water across the site, or the controls had not been adequately maintained. On December 12, 2011 the Department's Third Party Inspector documented a discharge of sediment into a freshwater wetland (A-40A-86-66-1) because erosion and sedimentation controls were not functioning properly. On December 14, 2011, the Department's Third Party Inspector documented that appropriate erosion and sedimentation control devices were installed and functioning properly.

Segment 6 (Searsmont):

On November 4, 2011 the Department's Third Party Inspector documented a discharge of sediment into Witchers Swamp in Searsmont during the construction of transmission lines associated with Segment 6. Department staff followed up with a site inspection on November 15, 2011 after the contractor had manually removed accumulated sediment in the resource and properly installed erosion and sediment control barriers. On November 21, 2011 Department staff recommended that additional sediments be manually removed from the freshwater wetland. The contractor removed the additional sediment on November 22, 2011.

Coopers Mills Substation (Windsor):

On September 15 and 16, 2011 the Department's Third Party Inspector documented a discharge of sediment into an unnamed stream in the southeast corner of the site, located in Windsor, associated with the construction of the Coopers Mills Substation. The discharge occurred as a result of off-site water flowing across an open area of construction without adequate erosion and sedimentation controls between the stream and the active construction area. Corrective actions had been taken and were documented in the Third Party Inspector's report dated September 20, 2011. Department staff followed up with a site inspection on October 11, 2011 and found adequate erosion and sedimentation control measures in place at that time.

Albion Road Substation (Albion):

The Department's Third Party Inspector documented a discharge to either freshwater wetlands or an unnamed stream on the following dates: October 6, and 19, 2010; November 2 and 5, 2010; and a more significant discharge of sediment on December 13, 2010. Department staff inspected the site on December 15, 2010 to help the applicant determine a

corrective course of action on the project site. Department recommendations have been implemented. The project site is located on Albion Road in the Town of Albion.

The purpose of this letter serves to inform you that by conducting or causing to be conducted an activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource, Central Maine Power Company and its contractors have violated Maine's *Protection and Improvement of Waters Act*, 38 M.R.S.A. § 413, *the Erosion and Sedimentation Control Law*, 38 M.R.S.A. § 420-C, Special Condition #2 of Department Order #L-24620-26-A-N/L-24620-TG-B-N/L-24620-VP-C-N/L-24620-IW-D-N, and the *Site Location of Development Law*, 38 M.R.S.A. § 483-A.

Subsequent third party inspection reports have indicated that corrective actions have been taken and that erosion and sedimentation measures have been installed and are being maintained. These must be maintained and kept in place and functional until the site is permanently stabilized.

Requested Corrective Action:

1. Implement the approved erosion and sedimentation control plan in Department Order #L-24620-26-A-N/L-24620-TG-B-N/L-24620-VP-C-N/L-24620-IW-D-N. If prescribed erosion and sedimentation controls are not adequate based on specific site conditions, employ additional measures.
2. Conduct contractor erosion and sedimentation refresher training during the winter of 2012 and emphasize to all of CMP's contractors the importance of compliance with Department permits.
3. Send a copy of this Letter of Warning to the contractors involved in the above noted violations and note that the Department may cite all parties responsible for violations in any future enforcement actions.

The Department views the violations as a serious matter. The Department recognizes that the construction phase of the project is expected to last approximately five years and that we are nearing the completion of year two. Provided that you complete the requested corrective actions detailed above, the Department is willing to resolve this matter without formal enforcement action.

If you have any questions about the requirements of this project, please call me at 207-557-2624. Thank you for your prompt attention to this matter.

Respectfully,

A handwritten signature in cursive script that reads "Dawn Hallowell".

Dawn Hallowell
Licensing & Compliance Manager
Central Maine Regional Office

cc: File

Ed Beene, Burns & MacDonald