

Certified Mail #: 7011 0110 0001 1714 3967

7-21-2014

Maine Wharf, LLC; Pat Tinsman
72 Commercial Street
Portland, ME 04101


Re: Notice of Violation, Maine Wharf, LLC; Pat Tinsman, Natural Resources Protection Act (NRPA), Notice of Violation # 2014-145-L

Dear Mr. Tinsman:

Enclosed is a Notice of Violation (“NOV”) alleging your failure to comply with Maine’s *Natural Resources Protection Act M.R.S.A. 38 § 480-C*. The NOV relates to violations documented during an on-site inspection by Department staff on July 1, 2014 at 68-72 Commercial Street in Portland. These violations are more fully described in the attached NOV.

A NOV is an administrative notice that is required by Maine law to be sent to parties the Department believes is responsible for violations of the Department’s laws, rules, and/or orders. Although issuance of an NOV must occur prior to DEP taking most other enforcement actions, DEP expects that full and timely compliance with this NOV will allow the case to be closed without further action. A failure to take the actions described in this NOV, including your contacting me within the expected time deadline, will likely result in a decision to pursue an additional action. I appreciate your immediate attention to this matter.

Sincerely,


Chris Kushto
Environmental Specialist II

cc:

William Hopkins
Archetype Architects
48 Union Wharf
Portland, ME 04101

✓ Inspections Division
389 Congress St.
Room 315
Portland, ME 04101



STATE OF MAINE
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Bureau of Land and Water Quality
 312 Canco Road
 Portland, Maine 04103
 Telephone: (207) 822-6300

Notice of Violation

PART I: GENERAL INFORMATION

<u>ALLEGED VIOLATOR'S NAME:</u> Maine Wharf, LLC; Pat Tinsman	<u>DOCKET NUMBER:</u> 2014-145-L
<u>ALLEGED VIOLATOR'S MAILING ADDRESS:</u> 72 Commercial Street, Portland, ME 04101	<u>DATE ISSUED:</u> 7-21-2014
<u>PHYSICAL LOCATION OF VIOLATIONS:</u> 68-72 Commercial Street, Portland, ME 04101	<u>CERTIFIED MAIL NUMBER:</u> 7011 0110 0001 1714 3967
<u>POINT OF CONTACT (IF DIFFERENT FROM ALLEGED VIOLATOR):</u> William Hopkins	<u>TELEPHONE NUMBER:</u> 207-772-6022

PART II: INFORMATION CONCERNING THE ALLEGED VIOLATION

YOU OR YOUR COMPANY IS BELIEVED TO BE RESPONSIBLE FOR THE FOLLOWING VIOLATION(S) OF MAINE'S ENVIRONMENTAL LAWS, RULES, OR DEPARTMENT ORDERS.

SUMMARY OF FACTS ALLEGED AS BASIS FOR VIOLATION(S):

On July 1, 2014, Department staff inspected the property at 68-72 Commercial Street in Portland. Department staff observed that the structure was 3.5 floors in height.

Review of Department records shows that the structure was previously only 2 floors in height. The increase of 1.5 floors is considered a structural expansion.

No permit was filed for the expansion of this structure.

LIST SPECIFIC VIOLATIONS BY APPLYING FACTS TO SPECIFIC STATUTE(S), RULE(S), OR ORDER(S) VIOLATED:

By causing a permanent structure, namely the building at 68-72 Wharf Road, to be altered over a coastal wetland without first obtaining a permit from the Department Maine Wharf, LLC, and Pat Tinsman have violated the *Natural Resources Protection Act (NRPA)*, 38 M.R.S.A. § 480-C.

REQUESTED CORRECTIVE ACTION(S):

Submit, within 45 days of receipt of this Notice of Violation and acceptable for processing, an After-The-Fact (ATF) NRPA Individual Permit for the construction of the structure at 68-72 Commercial Street.

TIMELY COOPERATION ON THE CORRECTIVE ACTIONS REQUESTED IN THIS NOV, AND CONTACTING THE CASE MANAGER BY PHONE OR IN WRITING WITHIN SEVEN (7) DAYS OF RECEIVING THIS NOV ARE TWO SIGNIFICANT FACTORS THAT MAY AFFECT WHETHER, OR THE EXTENT TO WHICH, THE

DISTRIBUTION:	Case File	Enforcement Director	AG's Office	EPA	Other: _____
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DEPARTMENT PURSUES FURTHER ENFORCEMENT ACTION.

PART III: DEPARTMENT ENFORCEMENT CONTACT

ENFORCEMENT CASE MANAGER:

TELEPHONE NUMBER:

Chris Kushto

207-899-7360

State of Maine, Department of Environmental Protection

By: 