



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

CERTIFIED MAIL # 7011 1150 0001 7012 2478

June 11, 2013

Nappi Distributors
Attn: Elmer Alcott and Jim Bourque
615 Main Street
Gorham, Maine 04038-2676

Re: Notice of Violation

Dear Mr. Alcott and Mr. Bourque:

Enclosed is a Notice of Violation (NOV) alleging your failure to comply with the Maine Department of Environmental Protection (Department) *Rules for Underground Oil Storage Facilities*, 06-096 CMR 691 (March 13, 2012). The NOV relates to the underground oil storage tank facility at Maine Beverage Container Service, 80 Pine Tree Industrial Parkway, Portland, Maine, registration # 10361. This violation is more fully described in the attached NOV.

An NOV is an administrative notice that is required by Maine law to be sent to facility owners the Department believes are responsible for violations of the Department's laws, rules, and/or orders. Although issuance of an NOV must occur prior to the Department taking most other enforcement actions, the Department expects that full and timely compliance with this NOV will allow the case to be closed without further enforcement action. Failure to take the actions described in this NOV will likely result in a decision to pursue additional enforcement action.

Please contact me at (207) 287-8112 if you have any questions.

Sincerely,

Wayne Paradis
Division of Oil & Hazardous Waste Facilities Regulation
Bureau of Remediation and Waste Management

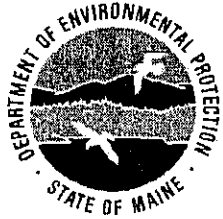
Enc: Notice of Violation
Removal Notice and Instructions

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Bureau of Remediation & Waste Management
 17 State House Station
 Augusta, Maine 04333-0017
 Telephone: (207) 287-2651

Notice of Violation

| PART I: GENERAL INFORMATION | |
|---|--|
| <u>ALLEGED VIOLATOR'S NAME:</u> Nappi Distributors | <u>DOCKET NUMBER:</u> 1036106112013 |
| <u>ALLEGED VIOLATOR'S MAILING ADDRESS:</u> 615 Main Street Gorham, Maine 04038-2676 | <u>DATE ISSUED:</u> June 11, 2013 |
| <u>PHYSICAL LOCATION OF VIOLATIONS:</u> Maine Beverage Container Service 80 Pine Tree Industrial Parkway Portland, ME 04102 | <u>CERTIFIED MAIL NUMBER:</u> 7011 1150 0001 7012 2478 |
| <u>POINT OF CONTACT (IF DIFFERENT FROM ALLEGED VIOLATOR):</u> Elmer Alcott and Jim Bourque | <u>TELEPHONE NUMBER:</u> 207-887-8200 |

| PART II: INFORMATION CONCERNING THE ALLEGED VIOLATION |
|---|
| <p>YOU OR YOUR COMPANY IS BELIEVED TO BE RESPONSIBLE FOR THE FOLLOWING VIOLATION(S) OF MAINE'S ENVIRONMENTAL LAWS, RULES, OR DEPARTMENT ORDERS.</p> |
| <p><u>SUMMARY OF FACTS ALLEGED AS BASIS FOR VIOLATION(S):</u></p> <p>This notice concerns violations of Maine's <i>Underground Oil Storage Facilities and Groundwater Protection Law</i>, 38 M.R.S.A., Section 566-A, and the Department's <i>Rules for Underground Oil Storage Facilities</i>, Chapter 691, at Maine Beverage Container Service, an underground oil storage tank (UST) facility in Portland, Maine (Registration #10361).</p> <p>The facility consists of one 10,000 gallon, single-walled fiberglass, diesel fuel tank that was installed on or about the 1st of October, 1986.</p> <p>The violation is described below:</p> <p>Department staff inspected the tank on June 4, 2013. During this inspection, staff at Maine Beverage Container Service indicated that the UST has not been in use since at least April 2011. Since the UST has been out of service for over twenty-four months, it must be removed in accordance with state law.</p> <p>As of this date, the facility is in violation of the requirements to properly remove an out-of-service tank.</p> |
| <p><u>LIST SPECIFIC VIOLATIONS BY APPLYING FACTS TO SPECIFIC STATUTE(S), RULE(S), OR ORDER(S) VIOLATED:</u></p> |

| | | | | | |
|----------------------|------------------------------------|---|--------------------------------------|------------------------------|---------------------------------------|
| DISTRIBUTION: | Case File <input type="checkbox"/> | Enforcement Director <input type="checkbox"/> | AG's Office <input type="checkbox"/> | EPA <input type="checkbox"/> | Other: _____ <input type="checkbox"/> |
|----------------------|------------------------------------|---|--------------------------------------|------------------------------|---------------------------------------|

State law and DEP rules require the following.

All underground oil storage facilities and tanks that have been, or are intended to be, taken out of service for a period of more than 24 months must be properly abandoned by the owner or operator of the facility or tank or, if the owner or operator is unknown, dissolved or insolvent, by the current owner of the property where the facility or tank is located. All abandoned facilities and tanks must be removed.... (38 M.R.S.A. § 566-A(1))

REQUIRED CORRECTIVE ACTION(S):

As owner of the UST facility, you are responsible for having the tank removed. In order to correct the above-described violation, you must:

1. By August 11, 2013, remove the underground tank at your facility in accordance with the Department's Rules, Chapter 691, Section 11.
2. Submit a site assessment conducted in accordance with Chapter 691 Appendix P.

Failure to complete the required corrective action within the time frame noted may result in the pursuit of further enforcement action, which could include a monetary penalty. The Department may also undertake the removal of this underground oil storage facility and seek reimbursement from you of costs.

Specific information and instructions on the requirements for proper abandonment of an UST facility are enclosed with this Notice. This information can also be found on the Department's website at <http://www.maine.gov/dep/waste/ust/index.html>

TIMELY COOPERATION ON THE CORRECTIVE ACTIONS REQUESTED IN THIS NOV, AND CONTACTING THE CASE MANAGER BY PHONE OR IN WRITING WITHIN **30 DAYS** OF RECEIVING THIS NOV ARE TWO SIGNIFICANT FACTORS THAT MAY AFFECT WHETHER, OR THE EXTENT TO WHICH, THE DEPARTMENT PURSUES FURTHER ENFORCEMENT ACTION.

PART III: DEPARTMENT ENFORCEMENT CONTACT

ENFORCEMENT CASE MANAGER:

Wayne Paradis

TELEPHONE NUMBER:

(207) 287-8112

State of Maine, Department of Environmental Protection

By: 