



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

July 5, 2005

Joshua Doucette, Member
J.D. Building, LLC
125 Bridgton Road
Westbrook, Maine 04038

Cert # 7002 2410 0003 8426 2104

Re: Violation of the Natural Resources Protection Act, Erosion and Sedimentation Control Law and Protection and Improvement of Waters Act.

354-A-6

Dear Mr. Doucette:

On May 9, 2005, I inspected your property located at 21 Rice Street in Portland. During the inspection, I found that you have constructed a paved parking area with a gravel extension within 75 feet of, and immediately adjacent to, a stream on your property. The fill slope extends into the stream channel and filling occurred along the channel for approximately 200 feet. No erosion controls were in place at the time of the inspection and there was evidence of soil entering the stream.

The Natural Resources Protection Act, 38 M.R.S.A. Section 480-C, requires that a permit first be obtained for the placement of fill and the construction of a structure within 75 feet of a stream. I have searched our files and have not found a permit for the activities on your property.

By placing fill in and constructing a parking lot adjacent to a stream, you have violated the Natural Resources Protection Act.

The Erosion and Sedimentation Control Law, 38 M.R.S.A. Section 420-C, requires that prior to an activity that involves displacing or exposing soil measures must be taken to prevent that soil from entering a protected resource.

By failing to erect sedimentation controls prior to grading soils, you have violated the Erosion and Sedimentation Control Law.

The Protection and Improvement of Waters Act, 38 M.R.S.A. Section 413 prohibits the discharge of pollutants into the Waters of the State without a permit from the Department. Soil is classified as a pollutant by this law; the Department does not issue permits for the discharge of soil from construction sites.

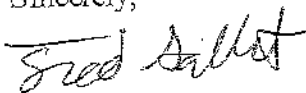
By discharging a pollutant, namely soil, into the Waters of the State without a permit from the Department, you have violated the Protection and Improvement of Waters Act.

In order to resolve this violation you must submit to the Department a restoration plan for the area adjacent to the stream and file for an after-the-fact Natural Resources Protection Act Permit for the construction of the paved parking area adjacent to the stream. The restoration plan must include removal of all fill between the paved parking area and the stream channel, a detailed plan how all disturbed areas are to be revegetated and a timing schedule. This plan must be submitted to the Department by July 31, 2005.

The Department routinely resolves violations of this nature in District Court. Provided that you are willing to discuss a voluntary resolution to this matter the Department is prepared to offer you an Administrative Consent Agreement. The Administrative Consent Agreement is an out-of-court settlement between yourself, the Board of Environmental Protection and the Attorney General's Office. The Agreement will include the assessment of a monetary penalty. If you are willing to discuss an out-of-court settlement in this matter please contact the Department by no later than July 15, 2005. If you are unwilling to discuss an out-of-court resolution to this matter the Department will draft a Citation and Complaint to be filed in District Court.

If you have any questions please give me a call at 822-6351.

Sincerely,



Fred Gallant II
Division of Land Resource Regulation
Bureau of Land and Water Quality

cc: City
file

STATE OF MAINE

Department of Environmental Protection

Bureau of Land & Water Quality
312 Canco Road
Portland, Maine 04103
822-6300

--NOTICE OF VIOLATION--

NAME J D Builders LLC.	CTS NUMBER 10782
ADDRESS 125 Bridgton Road Westbrook, Maine 04092	DATE OF ISSUANCE 7/5/2005
	TELEPHONE NO.
PERSON TO CONTACT AT SOURCE	LICENSE NO.

DISTRIBUTION: enforcement file , attorney general ,
EPA , Town , US Army Corps of Engineers

You are hereby notified that you and/or your company are considered responsible for a violation or violations of Maine environmental laws, regulations or orders. This matter is subject to enforcement action under the provisions of 38 M.R.S.A. Sections 347-A, 348 and 349 and/or other applicable regulations or statutes.

SUMMARY OF VIOLATIONS:

By placing fill in a river, stream or brook without first obtaining a permit from the Department, J D Builders LLC. violated the Natural Resources Protection Act, 38 M.R.S.A. § 480-C.

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 resources, J D Builders LLC., violated the Erosion and Sediment Control Law, 38 M.R.S.A. § 420-C.

By discharging a pollutant, namely soil, to waters of the state without first obtaining a permit from the Department, J D Builders LLC. violated the Protection and Improvement of Waters Act, 38 M.R.S.A. § 413.

CORRECTIVE ACTION REQUIRED:

Submit to the Department a restoration plan for the area adjacent to the stream and file for an after-the-fact Natural Resources Protection Act Permit for the construction of the paved parking area adjacent to the stream. The restoration plan must include removal of all fill between the paved parking area and the stream channel, a detailed plan how all disturbed areas are to be revegetated and a timing schedule. This plan must be submitted to the Department by July 31, 2005.

YOU MUST RESPOND TO THIS NOTICE BY : July 15, 2005

<p>ENFORCEMENT OFFICER: Fred Gallant II</p>	<p>CERTIFIED MAIL # 7002 2410 0003 8426 2104</p>
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