



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
ACTING COMMISSIONER

Certified Mail #: 7007 0710 0003 3085 4085

November 20, 2012

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

Re: Second 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 incidents documented in the third party inspection reports for Segment 1 dated October 5, 2012, October 12, 2012, October 16 & 17, 2012, November 14, 2012 and Segment 19 dated November 13, 2012 revealed a 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.

Specifically, the actions or inactions taken by L.E. Myers Co. during the installation of the transmission line in Orrington, Segment 1, has led to a documented discharge of sediment into one stream and at least five freshwater wetlands. The actions or inactions taken by Hawkeye during the installation of the transmission line in Yarmouth, Segment 19, has led to a documented discharge of sediment into one freshwater wetland.

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 are being taken and that appropriate erosion and sedimentation measures are being installed and maintained. These measures must be maintained and kept in place and functional until the site is permanently stabilized.

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 04679-2094
(207) 764-0477 FAX: (207) 760-3143

Department staff visited portions of the MPRP project in early November. It is the Department's opinion that basic erosion & sediment controls are being installed and that the contractors feel that is adequate. The discharges cited in this letter indicate that the bigger problem is the overall construction approach. Care must be taken to plan for adequate controls of the water running off all aspects of your project site (wetlands and upland areas). There must be some forward thinking as to how to construct the next portion of the project, how to accommodate silt-laden water and the turbid discharge that will result from open soils with fine textures. Standard erosion controls do nothing to filter out those fine sediments. Thought must be given to hold to keep those finer sediments from being suspended in the first place.

The Department requests the following corrective actions (note that the first two were also listed on your first letter of warning dated December 28, 2011):

Requested Corrective Actions:

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. 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.
3. Perform Stormwater inspections on active portions of the project.
4. No later than November 30, 2012, provide the Department a detailed, written plan outlining the steps your company and its contractors will take to prevent finer sediments from entering protected natural resources. Consideration must be given in all aspects of construction planning for potential erosion control impacts, including but not limited to, restricting sizes of open, disturbed areas; proactively adjusting construction timing or operations based on forecasted adverse weather conditions; supplying additional personnel and equipment to prevent; restricting access to soils susceptible to erosion; and preventing erosion problems in upland areas from migrating toward protected natural resources. This could be written as a "toolbox" for contractors, provided that it outlines what methods are appropriate for specific situations. It must also include language reminding contractors to reach out to the environmental inspectors provided by the contractors and Burns & MacDonald. The most important aspect of this type of construction approach is that the parties stop and think about the consequences of their actions and how those actions may impact downstream waterbodies.

The Commissioner and I have discussed this matter at length and she is supportive of this Letter of Warning. Provided that you complete the requested corrective actions detailed above to the Department's satisfaction, the Department is willing to resolve this matter without formal

enforcement action. Please understand that the Department views these violations as a serious matter and that future violations will result in formal enforcement action.

If you have any questions about the requirements of this letter, 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 E. Hallowell".

Dawn Hallowell
Licensing & Compliance Manager
Central Maine Regional Office

cc: File

Ed Beene, Burns & MacDonald