



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

**Certified Mail #: 7007 0710 0003 3085 4238 &  
7006 2150 0005 6942 9657**

September 18, 2014

Town of Camden  
Camden Parks & Recreation  
P.O. Box 1207  
Camden, ME 04843  
Attn: Patricia Finnigan

BCD Excavation and Forestry  
22 Mccobb Rd  
Jefferson, Maine 04348  
Attn: Bruce Dawson

**Re: Notice of Violation #2014-150-L, Town of Camden and BCD Excavation &  
Forestry, Bureau of Land and Water Quality**

Dear Ms. Finnigan and Mr. Dawson:

Enclosed is a Notice of Violation (“NOV”) alleging your failure to comply with Maine’s *Erosion and Sedimentation Control Law*, 38 M.R.S. § 420-C, *Natural Resources Protection Act*, 38 M.R.S. § 480-C, *Stormwater Management Law*, 38 M.R.S. § 420-D, and *the Protection and Improvement of Waters Act*, 38 M.R.S. § 413. The NOV relates to violations documented through site visits conducted by Department staff on June 30, 2014; July 10, 2014 and July 15, 2014 at the Ragged Mountain Recreation Area (Camden Snow Bowl). 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. The nature and circumstances surrounding the violations discovered has led DEP to conclude that final resolution of this matter should include monetary penalties as part of a civil penalty action. The necessary next steps to finally resolving this matter will be discussed once you contact me within the timeframe provided for in the NOV. Thank you for your attention to this matter.

Sincerely,

**Dawn Hallowell  
Licensing & Compliance Manager  
Division of Land Resource Regulation  
Bureau of Land and Water Quality**

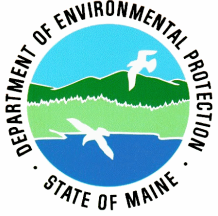
**C: Brian Rayback, Pierce Atwood**

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 04769-2094  
(207) 764-0477 FAX: (207)760-3143



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Bureau of Land & Water  
State House Station 17  
Augusta, Maine 04333  
Telephone: (207) 287-3901

**Notice of Violation**

**PART I: GENERAL INFORMATION**

ALLEGED VIOLATOR'S NAME:

**Town of Camden  
and  
BCD Excavation and Forestry**

EIS NUMBER:

**2014-150-L**

Alleged Violator's Mailing Address:

**Camden Parks & Recreation  
P.O. Box 1207  
Camden, ME 04843**

DATE ISSUED:

**September 18, 2014**

**22 Mccobb Rd**

**Jefferson, Maine 04348**

CERTIFIED MAIL NUMBER:

**7007 0710 0003 3085 4238 & 7006 2150 0005 6942 9657**

PHYSICAL LOCATION OF VIOLATIONS:

**20 Barnestown Rd, Camden ME**

POINT OF CONTACT (IF DIFFERENT FROM ALLEGED VIOLATOR):

**Patricia Finnigan & Bruce Dawson**

TELEPHONE NUMBER:

**236-3353 x 113 (Town) and 549-5900 (Dawson)**

**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):

In Department Order #L-26300-TB-A-N dated March 27, 2014, the Department approved the alteration of 7,028 square feet of wet meadow and forested wetlands in association with the expansion of existing ski trails at the Camden Snow Bowl. Logging activity commenced in spring 2014 and was occurring in June. During the logging operation, BCD Excavation and Forestry skidded trees down several pre-existing ski trails, severely disturbing soils, without the use of erosion and sedimentation controls.

In June and July of this year, the Department received several complaints with photographic documentation of erosion occurring from the project area into Hosmer Brook and Hosmer Pond. Department staff visited the Snow Bowl property on multiple occasions including June 30, 2014, July 10, 2014, July 15, 2014, July 24, 2014, July 31, 2014 and August 22, 2014. On June 30, 2014 and July 10, 2014, sediment was observed within Hosmer Brook and Hosmer Pond containing silt/clay particles suspended in the water column. Accumulated sediment was observed in the woods between the construction activity and Hosmer Brook, off the property. Freshwater wetlands, the disturbance of which was not approved in Department Order #L-26300-TB-A-N, had been disturbed by the logging activity. Staff also observed that several areas adjacent to a regulated unnamed stream, located between the old t-bar lift and Northeaster ski trail, had been cleared of vegetation and the soil disturbed. Additionally, the unnamed stream had been diverted in several

locations into water bars created across the slope to divert runoff and stabilize the slope. Department staff observed accumulated sediments within the unnamed stream during site visits.

Site visits by Department staff have revealed that the amount of disturbed area exceeds one acre in size.

While on-site on June 30, 2014, Department staff requested the Town of Camden to remove accumulated soils in Hosmer Brook by hand. The follow-up inspection on July 10, 2014 indicated that some sediment had been removed but additional sediments also needed to be removed. On July 15, 2014 Department staff had observed adequate removal of accumulated sediments in the Hosmer Brook channel.

On June 23, 2014, the Town of Camden submitted a Permit by Rule Notification form (PBR #58153) Section 2, Activities adjacent to a protected natural resource, for soil disturbance activities adjacent to Hosmer Brook. PBR #58153 was reviewed and approved by the Department on June 26, 2014.

On July 3, 2014, the Town of Camden submitted a Permit by Rule Notification form (PBR#58257) Section 12, Restoration of Natural Areas, for the removal of sediment in Hosmer Brook. PBR#58257 was reviewed and approved by the Department on July 14, 2014.

On August 7, 2014, the Town of Camden submitted a Stormwater Permit by Rule Notification form (PBR #58501) and a Maine Construction General Permit Notice of Intent to Comply (NOI #58502). PBR#58501 and NOI#58502 were both reviewed and approved on August 21, 2014.

On August 25, 2014, the Town of Camden submitted an after-the-fact Tier 1 Wetlands Alteration Application, #L-26300-TB-B-N, for additional wetland impacts associated with construction activities. #L-26300-TB-B-N is currently being reviewed by the Department.

On August 25, 2014, the Town of Camden submitted a Permit by Rule Notification form (PBR#58605) Section 12, Restoration of Natural Areas, for the restoration of freshwater wetlands altered during construction. PBR #58605 was reviewed and approved by the Department on September 5, 2014.

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

By conducting or causing to be conducted an activity that involves filling, displacing or exposing soil without taking adequate measures to prevent unreasonable erosion of soil or sediment beyond the project site or into protected natural resources, the Town of Camden and BCD Excavation and Forestry violated the *Erosion and Sedimentation Control Law*, 38 M.R.S. § 420-C.

By discharging a pollutant, namely soil, to waters of the state without first obtaining a permit from the Department, the Town of Camden and BCD Excavation and Forestry violated the *Protection and Improvement of Waters Act*, 38 M.R.S. § 413.

By starting construction of a project that includes one acre or more of disturbed area without first obtaining a permit from the Department, the Town of Camden and BCD Excavation and Forestry violated the *Stormwater Management Law*, 38 M.R.S. § 420-D.

By removing or displacing soil and vegetation adjacent to a stream, filling a stream, and displacing soil and vegetation in a freshwater wetland without first obtaining a permit from the Department, the Town of Camden and BCD Excavation and Forestry violated the *Natural Resources Protection Act*, 38 M.R.S. § 480-C.

By failing to follow the plans submitted and approved in Department Order #L-26300-TB-A-N, the Town of Camden and BCD Excavation and Forestry violated Natural Resources Protection Act Standard Condition "A" of Department Order #L-26300-TB-A-N and the *Natural Resources Protection Act*, 38 M.R.S. § 480-C.

REQUESTED CORRECTIVE ACTION(S):

1. Continue to stabilize disturbed soils to avoid further sedimentation to off-site locations and protected natural resources.

2. If after-the-fact application #L-26300-TB-B-N is approved, immediately comply with all terms and conditions of the after-the-fact permit.
3. If after-the-fact application #L-26300-TB-B-N is wholly or in part denied, returned, or withdrawn, within 30 days of denial, return, or withdrawal, submit a restoration plan to the Department to restore all wetland areas not approved for alteration to their original condition or as near thereto as practicable. The restoration plan is subject to review and approval by Department staff and must include a specific time schedule for the completion of all phases of the restoration. Implement the approved plan in accordance with the schedule contained therein.
4. No later than September 30, 2014, submit an after-the-fact permit application, acceptable for processing, to the Department for review and approval for the alteration of the unnamed stream as described in Paragraph 2 of the Summary of Facts.
  - (a) If the after-the-fact application is approved, immediately comply with all terms and conditions of the after-the-fact permit.
  - (b) If after-the-fact application is wholly or in part denied, returned, or withdrawn, within 30 days of denial, return, or withdrawal, submit a restoration plan to the Department to restore all unapproved areas of stream alteration to their original condition or as near thereto as practicable. The restoration plan is subject to review and approval by Department staff and must include a specific time schedule for the completion of all phases of the restoration. Implement the approved plan in accordance with the schedule contained therein.

TIMELY COOPERATION ON THE CORRECTIVE ACTIONS REQUESTED IN THIS NOV, AND CONTACTING THE CASE MANAGER BY PHONE OR IN WRITING WITHIN **SEVEN** DAYS OF RECEIVING THIS NOV, ARE TWO FACTORS THAT WILL AFFECT THE AMOUNT OF MONETARY PENALTIES DEP EXPECTS TO PURSUE IN THIS MATTER.

**PART III: DEPARTMENT ENFORCEMENT CONTACT**

ENFORCEMENT CASE MANAGER:

**Dawn Hallowell**

State of Maine, Department of Environmental Protection

TELEPHONE NUMBER:

**(207) 557-2624**

By:

