

TOWN OF ISLESBORO

P.O. Box 76 • 150 Main Road • Islesboro, Maine 04848
(207) 734-2253 • Fax (207) 734-8394

Janet R. Anderson
Town Manager
manager@townofislesboro.com

January 8, 2021

Dear

As you are likely aware, Sprague Operating Resources recently spilled two tons of plastic into Penobscot Bay. The Town of Islesboro and Islesboro Islands Trust have written letters to the Maine DEP expressing concern about this incident and the potential impact on the Bay. I have enclosed copies of those letters for your review and to keep you apprised of our concerns about this shared resource. Please don't hesitate to contact me if you have any questions or would like to discuss this further.

Thank you,



Gabriel Pendleton
Islesboro Select Board, Chair

TOWN OF ISLESBORO
P.O. Box 76 • 150 Main Road • Islesboro, Maine 04848
(207) 734-2253 • Fax (207) 734-8394

Janet R. Anderson
Town Manager
manager@townofislesboro.com

January 7, 2021

Brian Kavanah, Director
Bureau of Water Quality
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017
And via email: brian.w.kavanah@maine.gov

RE: Sprague Operating Resources
Plastic Waste Discharge into Penobscot Bay

Dear Mr. Kavanah:

At a meeting of the Islesboro Select Board held today, January 7, 2021, the Board unanimously endorsed concerns raised by Islesboro Islands Trust in their letter of January 3, 2021, written to you in reference to the above captioned plastic waste discharge into Penobscot Bay. A significant amount of this plastic was found along a 35-to-40-foot stretch of beach at Sprague's Cove, Islesboro, on December 13, 2020.

Further, we are especially concerned about this serious water quality threat to our local economy.

Recognizing the threat that plastics in our marine waters pose, on December 23, 2020, Maine Senators Susan Collins and Angus King spoke favorably about passage of *Save Our Seas 2*, enacted to address plastic waste entering oceans. Senator King said, "Maine's waters and Maine's well-being are inextricably linked – meaning any threat to our oceans is also a threat to the livelihood of Maine people." Senator Collins said, "The Maine lobster, aquaculture, and tourism industries are among the many critical sectors of our economy that are dependent on Maine's pristine waters. I am pleased to see this legislation become law, which will help to accelerate the removal of plastic waste and prevent future marine debris, protecting this vital resource for generations to come."

Please undertake all steps necessary to discipline the responsible parties and establish zero tolerance for discharging plastic waste into the marine waters of Maine.



Gabriel Pendleton
Chair



Shey Conover
Vice Chair



Lauren Bruce
Member



Arch Gillies
Member



Phil Seymour
Member



January 3, 2021

Brian Kavanah, Director
Bureau of Water Quality
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017
And via email: brian.w.kavanah@maine.gov

RE: Sprague Operating Resources
Plastic Waste Discharge into Penobscot Bay

Dear Mr. Kavanah:

Islesboro Islands Trust (IIT) advances land conservation, ecosystem education and environmental advocacy in the Penobscot Watershed. For more than 30 years, IIT's education, advocacy, water quality monitoring, and research demonstrate particular interest in the quality and integrity of water throughout the watershed. IIT advocates for the extremely important Penobscot Bay marine economy. Sprague Operating Resources at Mack Point, Searsport, must be held accountable for the accidental but preventable discharge of more than 2 tons of plastic waste into Penobscot Bay and a policy of zero tolerance for plastic discharge into Maine waters must be adopted.

Plastics in our bay are unacceptable in all cases but this was preventable, should have been reported immediately, should have been attended to more thoroughly and effectively and should cause officials to take steps to prevent this from happening again.

Concerns include:

1. Although the discharge of more than 2 tons of plastic into Penobscot Bay apparently occurred on December 2, Sprague Operating Resources, responsible for the spill, did not report the incident. The plastics were reported to your Bureau first on December 8 by a Stockton Springs resident walking on Sears Island and again on December 13 by an Islesboro resident walking on Sprague's Cove, Islesboro.
2. The plastic pieces found on Sears Island and Islesboro indicated that one or more bales came apart and allowed dispersal through Penobscot Bay.
3. Volunteers that rallied to assist in the clean-up effort acknowledged the incredible inefficiency of hand-picking thousands of small plastic pieces entangled in seaweed and beach gravel,

suggesting that this approach cannot reasonably be expected to retrieve all of the pieces even as tides and wave action continue to move pieces.

4. This timeline of events introduces considerable uncertainty as to how much of the spilled plastic has been and can be removed and how much still circulates in the bay.
5. Bigelow Laboratory for Ocean Sciences released a research report in July 2020 showing “that microplastic fiber pollution impacts larval lobsters at each stage of their development,” potentially leading to death of larvae and posing health consequences for all stages of lobster as well as for human who consume them.
6. The Shaw Institute in Blue Hill in 2014 found “surprisingly large numbers of microplastic fragments in oysters and mussels... These numbers show microplastics may pose a serious health threat to the animals themselves and seafood consumers.”
7. Fisheries, including but not limited to lobster and mussels, are a significant component of the Penobscot Bay region’s economy.
8. The federal EPA’s *Trash Free Waters* initiative highlights several aquatic trash problems, including “possible human health risks of ingesting microplastics through fish we eat.”
9. According to Maine Title 38, Section 420, “No person, firm, corporation or other legal entity shall place, deposit, discharge or spill, directly or indirectly, into the ground water, inland surface waters or tidal waters of this State... any toxic substance... [including] substances or combination of substances, including disease-causing agents, that after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the department either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or its offspring.”
10. Federal law controlling the “dumping of material transported from outside the United States into the U.S. territorial sea” and portions of the Clean Water Act “regulating discharges of pollutants into the waters of the United States” suggest that spilling plastic waste as occurred at Mack Point, Searsport, on or about December 2 violates key findings of law meant to protect our marine environment.
11. While the measurable effect of this specific discharge into Penobscot Bay on water quality and fisheries may not be known for some time, the impact on public perception of the quality of Penobscot Bay lobsters, mussels and other species could be economically devastating, especially following recent shellfish closures in the region due to historical HoltraChem mercury discharges still present.
12. Delivery of a similar or the same kind of plastic material in 2019 apparently shipped in containers, which would prevent discharge of plastic pieces in the event of an offloading mishap. How bales of plastic destined as fuel are wrapped, stored and transported also affect the outcome of potential spills.

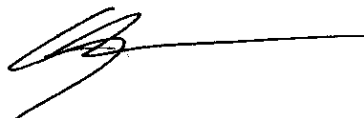
Penobscot Bay is a vibrant estuarine environment for a host of species of interest, including large numbers of lobsters and improving numbers of Atlantic Salmon, and important quantities of Sturgeon, Alewives, ten anadromous fish species native to the Penobscot watershed, clams, mussels, scallops, shrimp, crabs, cod, haddock, flounder, mackerel and more. Evidence supports success of the Penobscot River Restoration project. Up in the Penobscot watershed, discharge regulations, in recent years, helped sustain upgrades in water classifications. Court-ordered clean-up of the horrendous mercury discharges from the former HoltraChem plant appears poised for remediation. Research suggests that the Bay near Mack Point is an area of high lobster settlement and points to the importance of a healthy co-evolved diadromous complex in sustaining healthy ecosystem structure and function.

Therefore, it is essential that DEP protect the maritime environment in this area.

Sprague Operating Resources must be sanctioned for not immediately reporting the above cited plastics discharge; protocols must be developed that ensure thorough, rapid and effective clean-up of any such waste spill in future; and waste transportation regulations must be imposed that represent zero tolerance for discharge of plastics into Maine waters.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Miller', with a long horizontal line extending to the right.

Stephen Miller
Executive Director