



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during September 2019
DISTRIBUTED: October 15, 2019

This report has been prepared to satisfy a statutory obligation under 38 M.R.S. § 349(7) that the Maine Department of Environmental Protection inform the public of certain enforcement resolutions. Please contact Ronald Mongeon at (207) 287-7740 or ronald.mongeon@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to: achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and/or impose penalties to deter similar actions in the future.

Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Water:

Cooke Aquaculture USA Inc., Multiple Locations, Maine. Cooke Aquaculture USA Inc. (Cooke) is a Maine business that operates aquaculture sites in Eastern Blue Hill Bay, Cobscook Bay, Eastern Bay, Machias Bay and Toothacher Bay. Cooke was approved for coverage under the Maine Pollutant Discharge Elimination System (MEPDES) general permit for net pen aquaculture in 2014. Department staff observed through inspections and reporting from Cooke that at multiple Cooke facilities, Cooke violated the terms of its MEPDES Permit by: exceeding the limit of fish per pen density; failing to provide complete annual stocking notices; failing to conduct the required sampling and demonstrate to the Department's satisfaction that sulfide levels were within permitted ranges prior to restocking pens; failing to submit to the Department complete and accurate sulfide reports by established deadlines; failing to submit a summary of third-party QA/QC audit assessments demonstrating the effectiveness of marking the commercial fish origin; failing to submit documentation demonstrating the competency of the contractors taking samples for each facility; failing to use an approved method and/or properly demonstrate and document the application of an approved USEPA or alternative method for sample collection; failing to provide the Department with 24 hour oral notice and 5 day written notice of discovering density exceedances; failing to properly sign its monthly data submissions; failing to submit current Spill Prevention Plans within 6 months of the effective date of the permit for each facility; and failing to submit accurate and on-time reports of fish weights. By performing the above listed violations, Cooke violated its MEPDES permit, the Department's *Applications for Waste Discharge Licenses rule*, 06-096 C.M.R. ch. 521, and Maine's *Pollution Control law*, 38 M.R.S. § 414(5). To resolve these violations Cooke agreed to fund the Marine Rearing Atlantic Salmon Machias River Project, a supplemental environmental project, for one hundred fifty-six thousand two hundred and thirteen dollars (\$156,213.00). Cooke also agreed to: submit a plan as to how Cooke will prevent exceedances in net density limits within 30 days of signing the agreement; submit a plan for the training of staff on proper sample collection, handling, preservation, analysis and documentation within 30 days of signing the agreement and conduct said training within 90 days of submitting the plan; submit a list of all data, documents, records



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and reports required for 30-day review processes under the General Permit within 90 days of signing the agreement; and seek clarification on any questions Cooke may have regarding compliance with its permit within 30 days of signing the agreement.