

Maine Finfish Aquaculture Violates Clean Water Act



According to a recent New York Times article, 160 of the 384 regulated facilities that hold discharge permits in Maine had permit violations between 2004 and 2007. The top 30 violators in the state were finfish aquaculture facilities and fish hatcheries. (View article on line at <http://www.nytimes.com/2009/09/13/us/13water.html?emc=eta1>)

The Clean Water Act (CWA) requires polluters to disclose the toxins they discharge into waterways and gives state and federal regulators the power to fine or jail offenders of discharge permits. Unfortunately, an extensive review of state records found that “in the last five years alone, chemical factories, manufacturing plants, and other workplaces have violated water pollution laws more than half a million times” across the nation.

The top ten violators in Maine include the following aquaculture facilities: Maine Coast Nordic Cutler Harbor (15 violations), Heritage Salmon Cutler North (21 at 2 locations), Atlantic Salmon of Maine (27 violations at 3 locations), Maine Department of Inland Fish and Wildlife (21 violations at 2 locations), Craig Brook National Fish Hatchery (10), and Birch Point Fisheries (9).

Although there are no finfish aquaculture facilities currently operating in Blue Hill Bay, the data clearly illustrate that this form of aquaculture continues to be the primary violator of the CWA in the state of Maine. When the CWA was first passed in 1972, the primary pollutants in the state were contaminants from the pulp and paper industry and untreated sewage from municipalities and private homes. Today the primary source of pollution in the state is excessive nutrient waste from finfish aquaculture being released directly into our bays.

Furthermore, the data also indicate that Maine levied no fines on any of the violators. In contrast, North Carolina had the highest number of enforcement actions punishing 85% of the facilities that were out of compliance. The MDEP issued a response stating, “the Department considers a variety of factors regarding the violation including the cause and frequency of the violation” and cited a lack of resources as well as a complicated federal data management system as hindrances to reporting and managing violations. The response did not however address the lack of enforcement actions or fines. Although the agency issues letter of violations, the response did not indicate that violators are brought into compliance in a timely and effective manner. It is clear from this report that more pressure should be placed on DEP and DMR to ensure stronger enforcement in the form of fines and/or other restrictions. ~