



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

April 27, 2023

John Giebenhain
Canadian Pacific Kansas City
6408 West Old Shakopee Road
Bloomington, MN 55438

VIA Email Only

RE Canadian Pacific Train Derailment Clean-up Efforts

Dear Mr. Giebenhain,

This letter serves as a follow-up to my April 20, 2023, letter to Canadian Pacific Kansas City (CPKC) and as a result of several inspections conducted by various state agencies at the train derailment site near Rockwood, Maine. In addition to the Department’s authority under the *Oil Discharge Prevention and Pollution Control Law*, 38 M.R.S. §§ 541-560, the Department also has authority over discharges of pollutants, including sediment, under the *Pollution Control Law*, 38 M.R.S. § 413. Further, the Department has enforcement authority in the unorganized and deorganized areas of the State of Maine under the *Natural Resources Protection Act*, §§ 480-A-JJ for construction activities in or within 75 feet of protected natural resources including streams and wetlands.

The use of heavy construction equipment to access the site for the remediation and clean up has resulted in the discharge of a large amount of sediment into waters of the State of Maine, in violation of the Pollution Control Law. The use of heavy equipment traveling on the forest management roads has crushed culverts and displaced soil in and adjacent to several streams. No attempts have been made to stabilize the roads and stream crossings, despite requests from staff at the Land Use Planning Commission.

The Department understands the need to respond to and contain the discharge of petroleum products from the derailment site, however that does not relieve the company of the responsibility to conduct those activities in the least environmentally damaging way. It also does not remove any liability the company may have for violations of these laws. CPKC must immediately take measures to stabilize the access roads leading to the derailment site, stabilize all stream and culvert crossings, and prevent further discharges of sediment to waters of the State of Maine. Given the weather forecast for early next week, the Department recommends that

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

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

CPKC avoid the use of heavy equipment on the forest management roads, other than the Demo Road, until the rain ends and those roads can be stabilized.

If you have any questions, please contact Jim Beyer at (207) 446-9026 or jim.r.beyer@maine.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melanie Loyzim", with a long horizontal flourish extending to the right.

Melanie Loyzim
Commissioner

Cc: Jim Beyer, MEDEP
Commissioner Beal, DACF