

LEGISLATURE

Pair deny helping employers skirt law

Lawmakers put pressure on DEP, group alleges

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LEWISTON — Two state legislators face accusations that they used their political clout to stall or soften enforcement of pollution laws in a way that could benefit the companies they worked for, Maine's largest environmental group said Tuesday.



Saviello

The Natural Resources Council of Maine said it uncovered Department of Environmental Protection documents that indicate Rep. Thomas Saviello, I-Wilton, and Rep. Robert Daigle, R-Arundel, may have interfered with DEP business in an attempt to weaken inspections and enforcement. The NRCM got the documents using Maine's Freedom of Access Act.

Saviello is environmental manager for International Paper in Jay. Daigle is an environmental consultant. Both are members of the Natural Resources Committee, which has oversight of environmental laws.

According to the NRCM, the legislators pressured DEP to reorganize the way it regulates hazardous materials and "named names" of DEP employees they have had problems with.

Both legislators and the

Pair deny

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DEP commissioner denied the allegations.

"Flat out no," Saviello said. "That's ridiculous," Daigle said.

"Absolutely not," said DEP Commissioner Dawn Gallagher.

DEP staffers who are "disaffected" and don't want change that a restructuring would bring are undermining their management team, Daigle said.

He charged that NRCM Executive Director Brownie Carson has made similar charges about him and Saviello.

"What's happening is the NRCM is reacting to, for the first time, not being able to go to the podium and say, 'This is the way it is,' without being intellectually challenged," Daigle said. "They can't take it, and are coming up with this stuff."

Gallagher said she would not soften regulation for anyone. But the NRCM has raised a legitimate point about the nature of the Legislature, she added.

Lawmakers are asked to wear two hats, Gallagher said, and that can sometimes cause problems. "I won't allow legislators to change what we do, but sometimes there could be the notion that people are trying to do that. It's the nature of the legislative process."

Political pressure?

The restructuring of the Bureau of Remediation and Hazardous Waste was announced by Gallagher on Oct. 26. Documents show that Gallagher told staff the changes weren't political, but then mentioned Daigle and Saviello, "and how the Democratic majority in the Legislature could be lost in the next election, which would

ALLEGATIONS BY ENVIRONMENTAL GROUP

THE INVESTIGATION: Conducted by Natural Resources Council of Maine

CONCLUSION: Two legislators may have pressured DEP Commissioner Dawn Gallagher to weaken oversight of hazardous waste regulation.

THE LEGISLATORS: State Reps. Thomas Saviello, I-Wilton, environmental manager for International Paper, and Robert Daigle, R-Arundel, a consultant to companies that fall under DEP's laws.

BASED ON: Documents obtained from the Maine Department of Environmental Protection through a Freedom of Access Act request.

RESPONSES: Both legislators and the commissioner denied the allegations. "That's ridiculous," Daigle said. "Flat out no," Saviello said. "Absolutely not," said Gallagher.

be less favorable to the department."

The NRCM says the thousands of pages of documents it reviewed showed the inappropriate reach of the lawmakers. It cites an inspection at IP in Jay from 2003 as an example of how oversight can be undermined by political pressure.

On Oct. 7, 2003, DEP inspectors conducted an unannounced hazardous waste inspection at IP in Jay. Inspector Richard Currie wrote that Saviello "informed us we were not supposed to be conducting an inspection without getting approval from the EPA." The federal Environmental Protection Agency was contacted, and the staff determined that Saviello had misstated EPA's scope, according to the documents.

"I misconstrued that, but I never stopped them," Saviello said Tuesday. During the inspection, he showed the DEP staff everything, he said.

Violations were discovered and a notice was prepared by DEP. It was later downgraded to a letter of warning, but the

lesser citation was never delivered.

"From what we can tell, this was initially a violation," said Nick Bennett, staff scientist for the NRCM. "It was downgraded to a letter of warning with no explanation. There's no indication the letter was ever sent."

It was clear that IP had violated hazardous waste regulations and no action was taken, Bennett said.

According to Gallagher, it was a mistake not to issue the notice or the letter. The person responsible for that is leaving the department, she said.

Brownie Carson of the NRCM called what was revealed in the documents "deeply troubling."

"This is not a way to run a state agency," said NRCM's Bennett. "It's clear that everything going on in the department makes it difficult for it to do its core job: protect the environment."

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Editorial Page Editor David Farmer contributed to this report.