



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

November 20, 2023

Frank Jaffe and Robert Chapin  
Thomas Pond Improvement Association  
[frank.jaffe@morsecure.com](mailto:frank.jaffe@morsecure.com); [chapin780@aol.com](mailto:chapin780@aol.com)  
**via email**

RE: Conditions #9 and #10 of Order #L-010896-37-A-N

To the Thomas Pond Improvement Association:

Department staff conducted a site visit on November 3, 2023, in response to a complaint alleging several violations of Order #L-010896-37-A-N, which awarded the Thomas Pond Dam to the Thomas Pond Improvement Association (the TPIA) and set conditions for water levels on Thomas Pond on April 25, 1990. At the site visit, Department staff found a 3.9 cfs outflow and 4-inch flow of water over the dam. A representative of the TPIA informed Department staff that there has not been liability insurance on the dam since 2014.

The complaint alleges that the TPIA has failed to do the following: 1) implement safeguards to prevent other parties from changing water levels of the pond, 2) maintain a minimum flow of 2.4 cubic feet per second (cfs)<sup>1</sup> to Dingley Brook, 3) maintain regular records, 4) develop a “Water Level Management Plan”, 5) maintain liability insurance for the dam, and 6) prevent water flow from exceeding 12 inches for 12 consecutive days in August, 2023. To thoroughly address the complaint, the Department requests additional information on the TPIA’s compliance with following conditions set forth in Order #L-010896-37-A-N:

“9. The owner of the dam shall maintain in effect liability insurance against personal injury incurred in the operation, repair, maintenance and rebuilding of the Thomas Pond Dam and any fence or barrier erected pursuant to this Order in a minimum amount of \$500,000 coverage.

10. Except as irreconcilably limited by inflow to the impoundment or other natural conditions beyond the dam owner’s control, for control of spring conditions 12 inches maximum will be allowed for flow over the dam.”

The Department respectfully requests the TPIA provide reasoning or evidence regarding the alleged lack of compliance with Condition #9, and reasoning or evidence in response to the

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<sup>1</sup> cubic feet per second are a unit to measure outflow. 1 cfs is approximately 7.5 gallons per second.

complaint that flow over the dam exceeded 12 inches for 12 consecutive days in August in violation of Condition #10, by **December 20, 2023 at 5:00PM.**

If you have any questions about this matter, please contact me at [laura.paye@maine.gov](mailto:laura.paye@maine.gov) or (207) 219-9563

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Paye". The signature is fluid and cursive, with the first name "Laura" and last name "Paye" clearly distinguishable.

Laura Paye  
Hydropower Specialist  
Maine Department of Environmental Protection

CC: Frank Jaffe, Robert Chapin

Attachment: 2023-09-29 Thomas Pond DEP letter