



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

May 20, 2016

City of South Portland
Attn: James Gailey, City Manager
25 Cottage Road
South Portland, Maine 04106

Re: Former South Portland Public Works Property, 42 O'Neill Street, South Portland, Maine--Voluntary Response Action Program No Action Assurance Letter

Mr. Gailey:

The Maine Department of Environmental Protection (hereinafter the "Department") has received and reviewed the environmental reports, including a Soils Management Plan, submitted by Sebago Technics ("STI"). The City of South Portland, as the applicant to the VRAP, seeks the protections from liability available through VRAP for the Site.

Based on the results of the previous investigations, petroleum and metals impacts to soils at the property are present. Future redevelopment of the property, while currently undetermined, will require the presence of a Qualified Environmental Professional ("QEP") on the property during excavation activities to properly characterize any contamination encountered and determine the appropriate remedial actions (if any). Appropriate remedial actions may include mitigation of risks associated with the soils onsite or offsite disposal and/or recycling.

Based on the Department's review of the submitted materials and our knowledge of the property, the following conditions must be met for the applicant to receive VRAP protections for the property:

1. Removal of any existing underground storage tanks ("USTs") from the property will be consistent with the requirements of the Department's Chapter 691 Appendix P Rules.
2. Work at the property will be in conformance with the Department approved Soils Management Plan, which addresses proper onsite covering of contaminated soils, proper installation of vapor barriers and/or vapor ventilation systems beneath future structures, and the characterization and offsite disposal of certain soils.
3. No groundwater extraction wells will be installed on the property.

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

4. A Declaration of Environmental Covenants ("DEC") must be prepared and recorded for the property. The covenants of the DEC will be dependent upon the remedial actions implemented during redevelopment. The DEC must be consistent with the Maine Uniform Environmental Covenants Act, and a copy of the recorded document must be supplied to the Department.

Provided that the aforementioned conditions can be met to the satisfaction of the Department's VRAP, the City of South Portland, as an applicant, and other entities eligible for coverage in accordance with 38 M.R.S.A. § 343-E will be granted liability protections provided by 38 M.R.S.A. § 343-E.

Once the actions outlined are complete, a report summarizing the actions and a copy of the draft DEC must be provided to the State's VRAP. Upon review and approval of the summary report and the DEC, the VRAP will issue to the City of South Portland a Certificate of Completion for the property.

If you have any questions regarding this letter, please feel free to call me at 207-287-4854.

Sincerely,



Nicholas J. Hodgkins
Voluntary Response Action Program
Division of Remediation

pc: Grant Austin, Sebago Technics