



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



GERALD D. REID  
COMMISSIONER

**Certified Mail #: 7017 2620 0000 5504 8676**

**February 26, 2020**

Sultan Corp.  
c/o Theodore Small, Esq.  
Skelton Taintor & Abbot  
95 Main Street  
Auburn, ME 04210  
207-784-3200

**Re: Notice of Violation, Sultan Corp., 7 Chestnut Street, Auburn, Maine;**

Dear Sultan Corp.:

On May 10, 2018 the Department of Environmental Protection (Department) designated 7 Chestnut Street in Auburn Maine as an Uncontrolled Hazardous Substance Site, named Sultan Corp. as a responsible party and ordered Sultan Corp. to undertake a list of remedial actions. Sultan Corp. appealed this designation to the Board of Environmental Protection (Board), which held a hearing on October 18, 2018.

After considering Sultan Corp.'s appeal, the Board issued a Findings of Fact and Order on Appeal, dated January 17, 2019, in which the Board upheld the Commissioner's Designation of 7 Chestnut Street in Auburn, Maine as an Uncontrolled Hazardous Substance Site, naming of Sultan Corp. as a responsible party and the remedial actions set forth within that designation.

The Board also amended the deadlines set forth within the Commissioner's designation to be 45 days and 60 days from the signing of the Board's order, which deadlines expired on March 5, 2019 and March 19, 2019. While Sultan Corp., by and through their attorneys Theodore Small, Esq and Braden M. Clement, Esq., appealed the order of the Board on February 14, 2019, Sultan Corp. neither requested nor was granted a stay on the Board's order during the pendency of the appeal.

As Sultan Corp. neither requested nor was granted a stay of the Board's order, enclosed you will find a Notice of Violation ("NOV") alleging Sultan Corp.'s failure to:

1. Within 45 days of the Board Order, hire a consultant approved of by the Department to operate and maintain the SSDS installed on the Site building by the Department, as outlined in the Attached SSDS O & M Manual, January 11, 2018, prepared by Ransom Environmental.

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

Re: Notice of Violation, Sultan Corp.

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2. Within 60 days of the Board Order, submit a plan for remediation of the Site following Alternative E. Air Sparging and Soil Vapor Extraction (SVE) System, identified and outlined in the report titled "Conceptual Mitigation Alternative Analysis" dated May 28, 2015 by Ransom Consulting, Inc.; and
3. Implement the plan within 10 days of the Department providing notice of approval.

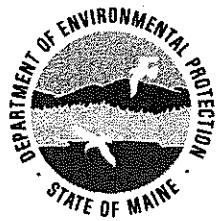
An NOV is an administrative notice that is required by Maine law to be sent to parties the Department believes are responsible for violations of the state's laws, Department's rules, and/or orders, prior to initiating civil enforcement actions. Thank you for your attention to this matter.

Sincerely,



Holliday Keen  
Project Manager

cc: Scott Boak, Chief, Natural Resources Division, AG Office  
David Burns, Director, Bureau of Remediation and Waste Management  
Ron Mongeon, Enforcement Specialist, Office of the Commissioner  
David Wright, Director, Division of Remediation



**STATE OF MAINE**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
 Bureau of Remediation and Waste Management  
 17 State House Station  
 Augusta, Maine 04333  
 Telephone: (207) 287-7688

**Notice of Violation**

**PART I: GENERAL INFORMATION**

<u>ALLEGED VIOLATOR'S NAME:</u> Sultan Corp. c/o Theodore Small, Esq. Skelton Taintor & Abbot	<u>DOCKET NUMBER:</u> <b>2020-045-O</b>
<u>ALLEGED VIOLATOR'S MAILING ADDRESS:</u> 95 Main Street Auburn, ME 04210	<u>DATE ISSUED:</u> <b>02/26/2020</b>
<u>PHYSICAL LOCATION OF VIOLATIONS:</u> 7 Chestnut Street, Auburn Maine	<u>CERTIFIED MAIL NUMBER:</u> <b>7017 2620 0000 5504 8676</b>
<u>POINT OF CONTACT (IF DIFFERENT FROM ALLEGED VIOLATOR):</u> Theodore Small, Esq.	<u>TELEPHONE NUMBER:</u> 207-784-3200

**PART II: INFORMATION CONCERNING THE ALLEGED VIOLATION**

YOU OR YOUR COMPANY IS BELIEVED TO BE RESPONSIBLE FOR THE FOLLOWING VIOLATION(S) OF MAINE'S ENVIRONMENTAL LAWS, RULES, OR DEPARTMENT ORDERS.

SUMMARY OF FACTS ALLEGED AS BASIS FOR VIOLATION(S):

Sultan Corp. owns property located at 7 Chestnut Street in the City of Auburn, Maine (Site). The property has a building which is utilized as a multi-unit apartment building which is partitioned into 15 residential apartments and a shared laundry.

On May 10<sup>th</sup>, 2018, by "Designation of Uncontrolled Hazardous Substance Site and Order" (Commissioner's Order), the Department designated the Site as an Uncontrolled Hazardous Substance Site, identified Sultan Corp. as a responsible party, and ordered Sultan Corp. to do the following, including but not limited to:

1. Within 45 days of the Order, hire a consultant approved of by the Department to operate and maintain the SSDS installed on the Site building by the Department, as outlined in the SSDS O & M Manual, January 11, 2018, prepared by Ransom Environmental.
2. Submit a plan for remediation of the Site following *Alternative E: Air Sparging and Soil Vapor Extraction (SVE) System*, identified and outlined in the letter report titled "Conceptual Mitigation Alternative Analysis" dated May 28, 2015 by Ransom Consulting, Inc., within 60 days of this order. The plan would then be implemented within 10 days of the Department's approval.

Sultan, Corp. appealed the Commissioner's Order to the Board of Environmental Protection (Board), which held a hearing on October 18, 2018. On January 17, 2019 the Board issued an order (Board's Order) upholding the Commissioner's Order with minor changes. The Board ordered that Sultan Corp. complete action 1 & 2

<b>DISTRIBUTION:</b>	Case File	<input checked="" type="checkbox"/>	Enforcement Director	<input checked="" type="checkbox"/>	AG's Office	<input checked="" type="checkbox"/>	EPA	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>
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listed above with updated deadlines of 45 and 60 days from the Board's order, respectively. The 45 day deadline for item 1 above expired March 5, 2019 and the 60 day deadline for item 2 above expired on March 19, 2019.

On February 14, 2019, Sultan Corp. appealed the Board's Order to the Superior Court. However, Sultan, Corp. neither requested nor was granted a stay of the Board's Order pending the appeal. As such Sultan, Corp. has violated the Board's Order and the Commissioner's Order by failing to complete items 1 & 2 above within the deadlines set forth in the Board's Order.

LIST SPECIFIC VIOLATIONS BY APPLYING FACTS TO SPECIFIC STATUTE(S), RULE(S), OR ORDER(S) VIOLATED:

*Maine's Uncontrolled Hazardous Substance Sites law, 38 M.R.S. § 1365(4):*

"The person to whom the order is directed shall comply immediately and may apply to the board for a hearing on the order if the application is made within 10 working days after receipt of the order by a responsible party..."

**By failing to comply with the terms, conditions, and required actions of the Board's Order of January 17, 2019 and the Commissioner's Order of May 10<sup>th</sup>, 2018 within the deadlines set forth in the Board's Order, Sultan Corp. violated 38 M.R.S. § 1365(4), the Board's Order and the Commissioner's Order.**

REQUESTED CORRECTIVE ACTION(S):

**By March 27, 2020, Sultan Corp. shall:**

1. Hire a consultant approved of by the Department to operate and maintain the SSDS installed on the Site building by the Department, as outlined in the SSDS O & M Manual, January 11, 2018, prepared by Ransom Environmental.
2. Submit a plan for remediation of the Site following *Alternative E: Air Sparging and Soil Vapor Extraction (SVE) System*, identified and outlined in the letter report titled "Conceptual Mitigation Alternative Analysis" dated May 28, 2015 by Ransom Consulting, Inc. and implement the plan within 10 days of the Department's approval of the plan.

TIMELY COOPERATION ON THE CORRECTIVE ACTIONS REQUESTED IN THIS NOTICE OF VIOLATION AND CONTACTING THE CASE MANAGER BY PHONE OR IN WRITING WITHIN **TEN (10) DAYS** OF RECEIVING THIS NOTICE OF VIOLATION ARE TWO FACTORS THAT MAY AFFECT THE AMOUNT OF MONETARY PENALTIES THE DEPARTMENT EXPECTS TO PURSUE IN THIS MATTER. THE DEPARTMENT OFFERS TECHNICAL ASSISTANCE WHICH MAY ASSIST YOU IN CORRECTING VIOLATIONS AND PREVENTING FUTURE VIOLATIONS. IF YOU REQUIRE TECHNICAL ASSISTANCE CONCERNING THIS NOTICE OF VIOLATION, PLEASE CONTACT THE CASE MANAGER IDENTIFIED BELOW.

**PART III: DEPARTMENT ENFORCEMENT CONTACT**

ENFORCEMENT CASE MANAGER:

**Holliday Keen**

TELEPHONE NUMBER:

**207-242-4649**

State of Maine, Department of Environmental Protection

By: 