



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

January 11, 2007

Certified No. 7005 3110 0002 8988 5610

Mr. and Mrs. John Haeefe  
P.O. Box 99  
Winthrop, ME 04364

Re: Investigation and Sampling Report; DEP Spill #A-157-2005

Dear Mr. and Mrs. Haeefe:

The subject report is enclosed.

If you need clarification, please contact me directly at (207) 287-7860.

Sincerely,

James S. Cumming  
Oil Remediation and Claims Unit  
Bureau of Remediation and Waste Management

Enclosure

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
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 04769-2094  
(207) 764-0477 FAX: (207) 760-3143

Investigation and Sampling Report  
Winthrop Commerce Center LUST Site  
Haeefe Damage Claim  
October 2006

John E. Beane, Senior Geologist  
Bureau of Remediation and Waste Management  
Maine Department of Environmental Protection  
January 4, 2007

## Introduction

The purpose of this investigation was to provide data on the existence of any persisting #6 fuel oil contamination at the Haeefe shoreline that might affect the real value of the property in support of an appraisal of the property and determination of compensable damages. The specific objectives and planned methods are described in *Sampling And Analysis Plan Haeefe Property Winthrop Commerce Center LUST Site(A-157-05)(2006)(Appendix D)*.

## Tuesday October 24, 2006

Sean Dougherty (Geology Technician II) and John Beane (Senior Geologist) arrived at the site at about 10:40. The vehicle was parked in the Haeefe yard and staff walked down to the lake shore carrying the necessary equipment. The day was overcast but dry. The purpose of the day's activity was to survey the sampling grid and mark it with pin flags for sampling that was scheduled to take place on Saturday (10/28/06). The first 30 minutes were used to simply look for property boundary markers and to observe the occurrence and distribution of oil staining and contamination along the shoreline on the subject property and on properties to the south. Several locations were identified where multiple oil stains occurred on a single tree trunk at different elevations. Clumps of leaves and stems cemented together by heavy oil were observed on the ground surface and cemented to tree trunks, as if rafts of oily flotsam had washed ashore at the time of the discharge. Two newly placed apparent corner pins (steel pipes) were found that appear to mark the western corners of Lot 41 (Figure 1).

The shoreline sampling grid was established by marking twenty-foot increments north along the shoreline beginning at the southern steel pin. Because the southern pin does not appear to be the southern boundary of the Haeefe property, the grid may have missed the southern sixty feet or so of the Haeefe shoreline. Pin flags were placed along the shoreline at twenty-foot intervals and they were marked with the distance north of the southern steel pin (Figure 2; SL-60=shoreline 60 feet).

The elevation of the highest oil stains on nine trees were estimated relative to an arbitrary datum (a stump surface) and relative to that day's lake level using a builders sight level. The purpose of estimating the oil stain elevations was to determine the highest level that



may have been contaminated by floating oil, which would be the highest water level that occurred during the discharge episode before booms were deployed to limit the oil migration. The results of this exercise are listed in Table 1. The two highest elevations were occurrences of hardened black residue on the ground surface (OS-4 and OS-5). After their elevations were measured it was apparent that they were more than a foot higher than any of the oil-stained rings on trees. Reexamination of the material at OS-4 and OS-5 raised some doubt about whether it was really oil. Because 1) they were on the ground surface and subject to possible movement, 2) they were not positively identified as oil and 3) they were not within the elevation range based on oil stains on the trees, OS-4 and OS-5 are considered as outliers and were not used to infer the highest level of floating oil. Six well defined stains on trees (OS-1, OS-2, OS-3, OS-8, OS-10 and OS-11) that were the uppermost stain if there were multiple stains, all clustered about 2.25 feet above lake level. That was the elevation selected to mark out as the lake's high-stand during the oil discharge episode.

Table 1. Measured Elevations of Oil Stains			
Tuesday, October 24, 2006			
Feature	Elev. WRT/B.M.	Elev. Above Lake Surface	Comments
Stump Surface	0.0	2.66	Arbitrary benchmark
Lake Surface	-2.7	0.00	
OS-1	-0.4	2.28	Stained ring on tree
OS-2	-0.5	2.17	Stained ring on tree
OS-3	-0.5	2.18	Stained ring on tree
OS-4	1.0	3.68	Black residue on ground surface
OS-5	0.8	3.48	Black residue on ground surface
OS-6	-0.7	1.94	Stained ring on tree
OS-7	-0.8	1.91	Stained ring on tree
Lake Surface @ OS-7	-2.7	-0.02	
OS-8	-0.4	2.23	Stained ring on tree
OS-9	-1.4	1.30	Twigs and leaves stuck together by oil
Lake Surface @ OS-10	-2.7	0.00	
OS-10	-0.3	2.36	Stained ring on tree
OS-11	-0.4	2.25	Stained ring on tree

Pin flags were used to mark the 2.25 foot contour along the shoreline immediately north of the "For Sale" sign, and in a separate location near SL-340 and SL-360. The ground surface and tree trunks below that elevation were examined for visible oil contamination. In addition to rings on trees, the oil occurred in clumps of debris (twigs, leaf stems and leaves) that were stuck together by the oil and on the surface of floating debris such as soft drink bottles. On some trees the oil had glued twigs and stems to the bark of the tree.

~~Small oil sheens, perhaps ten centimeters in diameter, were observed on the surface of the lake. They appeared to have surfaced near the Haefele property.~~

### Monday October 30, 2006

Sean Dougherty and I arrived on site at about 11:00 A.M. It was apparent that the lake level had risen several inches due to the storm on Saturday October 28<sup>th</sup>. I collected soil samples while Sean documented the locations using the global positioning system (GPS).

Four soil samples were collected for laboratory analysis for polynuclear aromatic hydrocarbon (PAH) analysis. The samples were collected from the very shallowest soils, one inch or less in depth, to limit dilution of any potential contamination by mixing in clean soil from deeper levels. Targeting shallow soil also had the advantage of sampling the soil that users of the property would be most likely to come into contact with.

~~OS-9 (oil stain number nine) was not so much a soil sample as a sample of leaf litter that had been heavily contaminated with black oil (location shown in Figure 3). Its elevation was about 1.3 feet above summer lake level, or about a foot below the high-water oil stains on the trees. It appeared to be a raft of floating leafy debris that had been stuck together by the floating oil. Shiny and tacky oil surfaces could be found by turning the material over and pulling it apart. I broke up some of the debris and packed it into the sample jar, being sure to include many oily surfaces. This sample was intended to represent *known contamination* with which to compare samples in which the oil was less evident or not apparent at all.~~

SS-1 (soil sample number one) was collected about 15 feet west of OS-9. The location was just below the 2.25' contour that marked the high water during the spill. It was a wind-swept northwest-facing location where the leaf litter comprised trigs and hemlock needles (Appendix B). Oil stains were evident on twigs in the litter and there appeared to be clumps of black oil on the surface. The upper 1 inch of the soil, mostly litter and duff, was mixed in a stainless steel bowl and sub-sampled into the sample jar. Due to the visual evidence of oil, contamination was expected in SS-1.

SS-2 was collected from a "random" location below the 2.25 foot contour where the mineral soil (topsoil) was exposed at the surface. No visual evidence of oil was noted at SS-2. Again, the upper 1" of soil was mixed in a stainless steel bowl and sub-sampled into the sample jar.

SS-3 was collected from a northwest facing hummock about 20 feet inland from the shore, about 6 inches below the 2.25 foot contour, where no visual evidence of oil was noted. The upper 1" was all duff and tree roots.

Transfer tests were conducted on eight prominent oil stains by pressing filter paper firmly against the stain for thirty seconds. The filter papers were collected and the degree of transfer was qualitatively evaluated in the comfort of the office (Table 2). Photographs of the filter papers are attached as Appendix C.

Photographs in Appendix C		
Location	Transfer (Y/N)	Comments
OS-1	N	
OS-2	N	Transfer to glove by rubbing stain
OS-6	Y	Two 1 mm stains transferred
OS-7	N	
OS-8	N	
OS-9	Y	Oil coated debris (see lab analysis)
OS-10	N	
OS-11	N	

### Tuesday October 31, 2006

Sean and I arrived at about 10:00 A.M. and carried our equipment down to the lake. The weather was mostly cloudy, about 48°, and calm. There were no waves on the lake. We brought a 12 foot canoe, a petit ponar grab sampler for collecting the sediment samples, and a garden rake for disturbing the bottom sediments.

We launched the canoe between SL-60 and SL-80, and worked north along the shoreline. The plan was to disturb the bottom at 2-, 4- and 6-foot depths every twenty feet along the shoreline to see if sunken oil could be mobilized to produce a sheen on the surface. It should be noted at the outset that we observed several oily sheens that spontaneously surfaced during the time we were sampling. Although we did not see the oil arrive at the surface, the sheens deformed and dispersed quickly enough (several minutes) that they could not have floated in from any significant distance. They had to have surfaced locally near the Haeefe property. Data on the attempts to mobilize oil and produce a sheen are tabulated in Table 3. Locations of the attempts are shown on Figure 4, with the locations of observed sheens shown in light green. The sheen mobilization tests were stopped before the completion of all the locations specified in the work plan because it became clear that sunken oil was rather common along the Haeefe shoreline, and that it was in fact possible to mobilize a sheen by disturbing the bottom sediments.

Tuesday, October 31, 2006				
Shoreline position	Distance from shore	Water Depth	Sheen (Y/N)	
SL-060	8	4	N	
SL-060	14	6	N	
SL-080	6	2	N	
SL-080	12	4	Y	Several thin 1" clots
SL-080	20	5.5	N	

SL-100	12	4	Y	A thin wisp
SL-100	25	6	N	
SL-120	6	2	Y	Small wisps (water sample taken)
SL-120	12	4	Y	3 millimeter clots
SL-120	35	6	N	
SL-140	20	4	N	
SL-140	30	4	N	
SL-140	50	6	N	
SL-160	6	2	Y	Small clots
SL-160	30	4	Y	
SL-160	50	6	N	
SL-180	6	2	Y	Oily sheen with nucleus (water sample taken)
SL-180	50	5.5	N	
SL-200	6	2	N	
SL-200	50	4	N	Sheen noted in same location about 2 minutes later
SL-200	100	5	N	

Four bottom sediment samples were collected for laboratory analysis for PAH compounds. Sample locations were chosen to be within the general area where sheens were noted. Sheens were mobilized by the grab sampler at three of the four sediment sampling locations. Field data on the sediment samples is compiled in Table 4. Locations are shown on Figure 5. Analytical results are listed following the text (Table 5) and the laboratory analytical reports are attached as Appendix A.

Sample	Water Depth (ft)	Description
SL180-SED	3	Gray and brown organic-rich silt and sand with broken glass and waterlogged leaves, sheen mobilized by sampler
SL140-SED	3	Gray and brown organic-rich silt and sand, sheen mobilized by sampler
SL120-SED	4	Dark gray silt and fine sand, sheen mobilized by sampler
SL100-SED	5	Organic-rich silt and fine sand

After sampling I paddled south along the shoreline in an effort to discover the southern limit of oil staining on the trees. The southern limit of observed oil stains is shown on Figure 1, about 350 feet south of the southern steel boundary pin. Oil stains became thinner south of the Haefele property, but showed up at several levels on the shoreline trees. The shoreline is very flat and swampy north of the Haefele property. The oil stains



were not confined to the shoreline trees there, but were scattered back into the brushy undergrowth away from the shore.

### Analytical Results

Fuels oils are mixtures of many different hydrocarbon compounds. Number six fuel oil is the high boiling point range and high-molecular weight mixture that fails to boil during the distillation process at the refinery. It is called residual oil because it is the unrefined residue. There are hundreds, and perhaps thousands, of different compounds in #6 fuel oil, and each batch from each refinery is a somewhat different mixture. The compounds in fuel oils that have received enough regulatory scrutiny to have screening levels assigned to them are some of the polynuclear aromatic hydrocarbons (PAHs). Remedial action guidelines are not exactly cleanup levels. They are used to determine whether a site merits further investigation and evaluation for remediation, and that is how they will be used here. Generally, if representative or worst case samples have contaminant concentrations that are consistently below the remedial action guidelines, then no further investigation or remediation would be required. The analytes listed in Table 5 are PAHs.

The remedial action guideline for PAHs is related to one specific PAH compound, benzo (a) pyrene. It is a rather common contaminant and it is thought to be the most toxic of the group. In an effort to take into account some of the other toxic PAH compounds a *benzo (a) pyrene toxicity equivalent concentration* has sometimes been calculated. The calculation for one sample is shown in Table 6 and the benzo (a) pyrene equivalent concentrations for all of the samples are listed in Table 6. The Maine DEP remedial action guideline for residential property for benzo (a) pyrene in soil is 2 milligrams per kilogram based on the hazard of ingestion.

Calculation shown for OS-9			
Compound	Concentration (mg/kg)	Toxicity Multiplier	B(a)P Equivalent (mg/kg)
Benzo(a)pyrene	1.2	1	1.2
Benzo(a)anthracene	0.91	0.1	0.091
Benzo(b)fluoranthene	0.33	0.1	0.033
Benzo(k)fluoranthene	0.38	0.01	0.0038
Chrysene	2	0.001	0.002
Dibenzo(a,h)anthracene	0.5	1	0.5
Ideno(1,2,3-c,d)pyrene	0.5	0.1	0.05
Total BAP Equivalent			1.88

The reporting limit was used in lieu of the concentration for those analytes with concentrations below reporting limits.

All concentrations in this table are in milligrams per kilogram (ppm). Microgram per kilogram values like those listed in Table 5 are one thousand times the same concentrations expressed in milligrams per kilogram. That is, 1200 micrograms per kilogram (1200 ppb) equals 1.2 milligrams per kilogram (1.2 ppm).

Sample	B(a)P (mg/kg)	B(a)P TEC (mg/kg)	
OS-9	1.2	1.9	
SS-1	0.98	1.6	
SS-2	<0.1	0.67	
SS-3	0.35	0.96	

The PAH compounds are regulated characteristic constituents of fuel oils, but their occurrence is not limited to fuel oils. They are byproducts of combustion of all carbon-based fuels, especially soot-producing combustion like that in diesel engines. Thus, it is reasonable to expect some level of anthropogenic background of combustion-derived PAH contamination that is not related to the fuel oil spill. Sedimentation from nearby Route 202, with its heavy diesel truck traffic, and from Winthrop city streets which wash directly into the upper bay of Annabessacook Lake make elevated PAH background all the more likely. Unfortunately, little data exist on PAH background in Maine lake bottom sediments and surficial soils. If the soil and sediment PAH concentrations had been above the regulatory action guidelines it would have been necessary to collect background samples for comparison.

Soil Sample OS-9 is the "worst case" sample. It has a benzo (a) pyrene concentration of 1.2 mg/kg (1200 ug/kg or micrograms per kilogram), and a benzo (a) pyrene toxicity equivalent concentration of 1.9 mg/kg. Both are below the remedial action guideline for soil of 2 mg/kg. Sample OS-9 was made up totally of leaves, stems, twigs and oil, and it was fresh enough to give a positive result on the filter paper transfer test (Appendix C). All other samples contained less visible oil or no visible oil at all.

Soil sample SS-1 was from the duff layer in a windy location swept clean of deciduous leaves (see photo in Appendix B). There were black oil stains on some of the twigs and conifer needles on the ground surface. The PAH concentrations are in similar proportions to those in OS-9, but at about two thirds of the concentration values. SS-1 has a benzo (a) pyrene concentration of 0.98 mg/kg (980 ug/kg or micrograms per kilogram), and a benzo (a) pyrene toxicity equivalent concentration of 1.6 mg/kg. Both are below the remedial action guideline for soil of 2 mg/kg.

The PAH concentrations in SS-2 were so small that they were mostly below their respective detection limits. SS-2 was collected where there was no duff and the topsoil was exposed at the surface. These results provide some indication that the topsoil below the duff is not appreciably contaminated with fuel oil and PAH.

The PAH contamination in SS-3 is similar to that in SS-1, but at about a third or a half of the concentrations in SS-1.

The four shallow-water bottom sediment samples fall neatly into two compositional pairs. The PAH concentrations of SL-140SED and SL-180SED are nearly identical, and the PAH concentrations of SL-100SED and SL-120SED are nearly identical to each other (Table 5). The PAH concentrations of SL-100SED and SL-120SED are a little more than twice those of SL-140SED and SL-180SED and it appears that the increase may be largely explainable by the addition of oil, using OS-9 as a model oil composition. SS-140SED and SL-180SED may or may not represent background PAH concentrations (uncontaminated by the recent oil discharge). The range of PAH concentrations in the shallow lake-bottom sediments is similar to the range in the forest duff/leaf litter samples (OS-9, SS-1, SS-3).

~~Four attempts were made to characterize the chemical composition of sheens mobilized by intentional disturbance of the bottom sediments in shallow water. In all four cases the sheens were captured in 1 liter amber bottles normally used for semi-volatile organic water samples. The oil comprising the sheens was not abundant enough in one-liter water samples to be detected by the laboratory at microgram per liter (ppb) levels for PAHs or at 50 micrograms per liter for Diesel Range Organics (DRO). This result does not mean that the observed sheens were not oil, but it does indicate the mobile droplets of oil that rise to the surface of the lake are rather small.~~

### Conclusions and Interpretations

Many, and perhaps most, of the questions that this study was designed to answer were answered by observations in the field, without the information provided by the laboratory analyses. The laboratory analyses have shed some light on the magnitude of any problems that may remain.

The first objective of the investigation was to evaluate the degree to which separate phase petroleum residues can be transferred from soils, vegetation and bottom sediments by casual contact to people and pets using the area for recreation. The answer comes from several lines of observation and reasoning. Firstly, Sean and I spent a few hours at the site on three separate days in late October, and we did not come away with oil stains on our clothing or shoes. We observed dozens of oil stains on leaves, stems, twigs, plastic litter that washed onto the shore during the oil slick, and on the trunks of trees. In all but one case the oil stains were dry and hardened, without detectable tackiness. Only at OS-9 could appreciable oil be transferred by contact with pressure (Appendix C), without also rubbing the stain, but that was after the clump of leaves and stems had been pulled apart to reveal fresher oil surfaces. Those freshly exposed surfaces were tacky. Millimeter-

sized black stains were transferred by pressure at OS-6 (Appendix C). Rubbing any of the dried oil stains with a plastic sampling glove would transfer some of the dried oil to the glove (OS-2 photo, Appendix C). Finally, sheens that were observed are clear evidence that there was oil on the bottom of the lake in shallow water near the Haefele shoreline. All of the sheens that were seen as evidence of this oil on the bottom were small, discrete and discontinuous. The sheens were in the order of five inches in diameter or less, down to fractions of an inch in diameter. The scale of the oil sheens observed was more consistent with sunken waterlogged oily debris than with "tar balls" or such larger aggregations of sunken oil. Thus, casual recreation on land is not very likely to result in appreciable transfer of oil to persons or pets although small stains are certainly possible. Swimmers would be likely to mobilize small oily sheens and to swim through them.

The locations of oil contamination on land are limited to elevations below about 2.25 ft. above the summer lake level. That level is marked by the most prominent oil stains on the trees along the shoreline. Field observations convincingly showed that oil stains occur mostly at the 2.25 contour, but can occur at any level below that. Locations within that area that might be expected to be more abundantly oil-stained would be west or northwest facing slopes that are directly exposed to the lake. It appears that the floating oil adhered to other floating debris in the freshet including leaves, twigs and anthropogenic trash which then blew onto the shore along with floating free oil. The oil occurs as stains and coatings on surfaces. Representative PAH concentrations in soil are listed in Table 5 (SS-1, SS-2 and SS-3). The concentrations of regulated PAH compounds in the samples are below the regulatory action guidelines, even in samples intentionally biased toward contamination (SS-1 and OS-9).

The distribution of oil contamination on the bottom of the lake is less easily inferred. Sunken oil appears to have deposited on the lake bottom by adhering to floating debris that then became waterlogged and sank. If that model is accurate, then the oil would be distributed haphazardly on the bottom, depending on where the debris sank and on where it might have been moved by wave action and littoral currents. Six small oil sheens were created by disturbing the bottom sediments at twenty-one locations in shallow water along the shore (28%). Thus, the oil appears to be widely distributed but not particularly abundant at any given location.

The oil coatings and stains on shore have dried and hardened due to selective evaporation of the most volatile constituent compounds and leaching (dissolution) of the most soluble compounds. Those weathering processes will continue to break down the oil over the years, but it will be progressively slower as the volatile and soluble constituents are depleted, until a hardened tar-like residue remains. Old oil-stained plastic trash on the Haefele property served as examples of the endpoint of this process. In particular a dish-detergent bottle, half-buried in the forest soil and photodegraded so that the exposed half was largely broken away, had an oil coating that showed how it had floated on the lake during an earlier oil discharge event (photograph in Appendix C). The residue that remains has been exposed to weathering for decades. It is hard and dry, but it hasn't disappeared. The threat that oil contamination from the 2005 discharge will be

PRIOR  
SPILL  
EVENT



transferred to people and pets using the area for recreation is already small, and it will continue to diminish as the seasons pass.

The prognosis for natural cleanup of the subaqueous oil contamination is less certain. The fact that sheens continue to surface spontaneously from the bottom means that the reservoir of submerged contamination is continuously diminishing. It is not possible to predict how long that process and other dispersion and weathering processes will require to mitigate the nuisance oil sheens.

Table 5. Analytical results from October 2006 Sampling  
 Winthrop Commerce Center LUST Site  
 Haefele Damage Claim

Sample	Date	Matrix	DRO	2-Methylna phthalene	Acenaph thene	Acenaph thylene	Anthra cene	Benzo(a) anthra cene	Benzo (a) pyrene	Benzo(b) fluoran thene	Benzo (g,h,i) perylene	Benzo(k) fluoran thene	Chrysene	Dibenzo (a,h) anthra cene	Fluoran thene	Fluorene	Naph thalene	Phenan threne	Pyrene	2-Chloro naph thalene	Indeno (1,2,3-cd) pyrene
SL-100-SED	10/31/06	Sediment	NA	<100	<100	340	250	790	1200	1800	1000	570	1200	<500	1900	<100	<100	700	1500	5j	910
SL-120-SED	10/31/06	Sediment	NA	<100	<100	340	240	810	1200	1700	950	590	1100	<500	1800	<100	<100	730	1500	<100	<500
SL-140-SED	10/31/06	Sediment	NA	<100	<100	100	110	340	480	750	<500	230	470	<500	1200	<100	<100	340	650	<100	<500
SL-180-SED	10/31/06	Sediment	NA	<100	<100	<100	140	440	460	680	<500	240	500	<500	1100	600	<100	<100	760	<100	<500
SL-120-2	10/31/06	Water	NA	<1	<1	<1	<1	<1	<1	<1	<5	<1	<1	<5	<1	<1	<1	<1	<1	<1	<1
SL-140-3	10/31/06	Water	NA	<1	<1	<1	<1	<1	<1	<1	<5	<1	<1	<5	<1	<1	<1	<1	<1	<1	<1
SL-140-4	10/31/06	Water	NA	<1	<1	<1	<1	<1	<1	<1	<5	<1	<1	<5	<1	<1	<1	<1	<1	<1	<1
SL-180-2	10/31/06	Water	NA	<1	<1	<1	<1	<1	<1	<1	<5	<1	<1	<5	<1	<1	<1	<1	<1	<1	<1
SL-180-3	10/31/06	Water	<50	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
OS-9	10/31/06	Soil	NA	<100	170	380	420	910	1200	330	<500	380	2000	<500	1600	260	<100	590	2300	<100	<500
SS-1	10/31/06	Soil	NA	<100	<100	<100	150	480	980	610	<500	790	1300	<500	1000	<100	<100	210	1300	<100	<500
SS-2	10/31/06	Soil	NA	<100	<100	<100	<100	<100	<100	<100	<500	<100	<100	<500	120	<100	<100	<100	<100	<100	<500
SS-3	10/31/06	Soil	NA	<100	<100	<100	<100	210	350	390	<500	370	350	<500	700	<100	<100	370	460	5j	<500

NA - Sample not analyzed for listed parameter

Concentrations for sediment and soil samples are in micrograms per kilogram (ug/kg, parts per billion, ppb).

Concentrations of water samples are in micrograms per liter (ug/l, parts per billion, ppb)

Investigation and Sampling Report  
Winthrop Commerce Center LUST Site  
Haeefele Damage Claim

Figures



Figure 1 Location of Haefele Property (Lot 40).

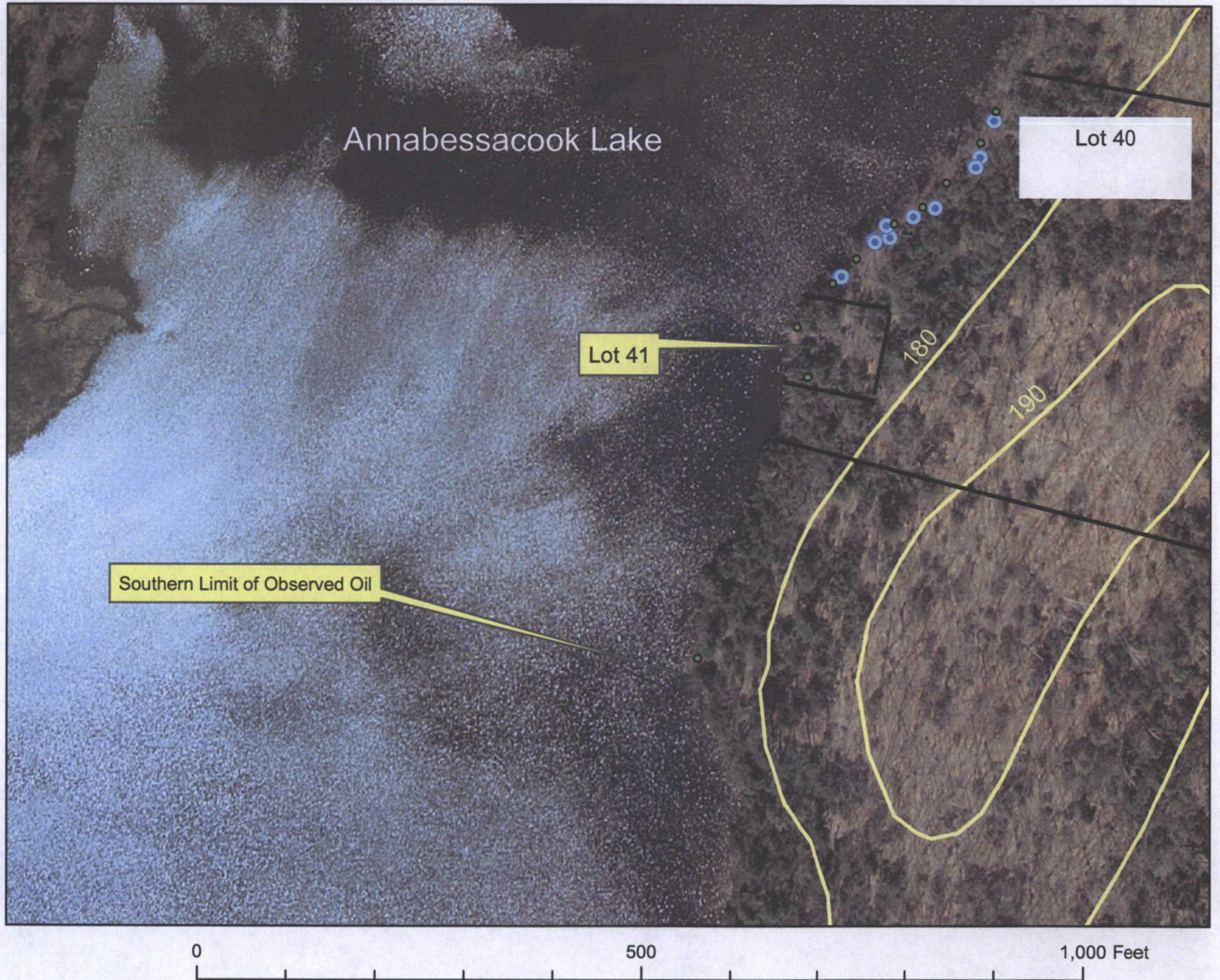




Figure 2. Location of shoreline sampling grid



0 250 500 Feet



Figure 3. Locations of oil stains (OS) and soil samples

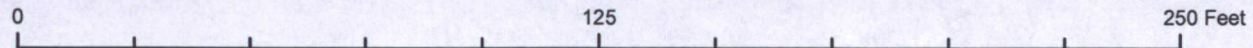




Figure 4. Locations of Sheen Mobilization Tests.



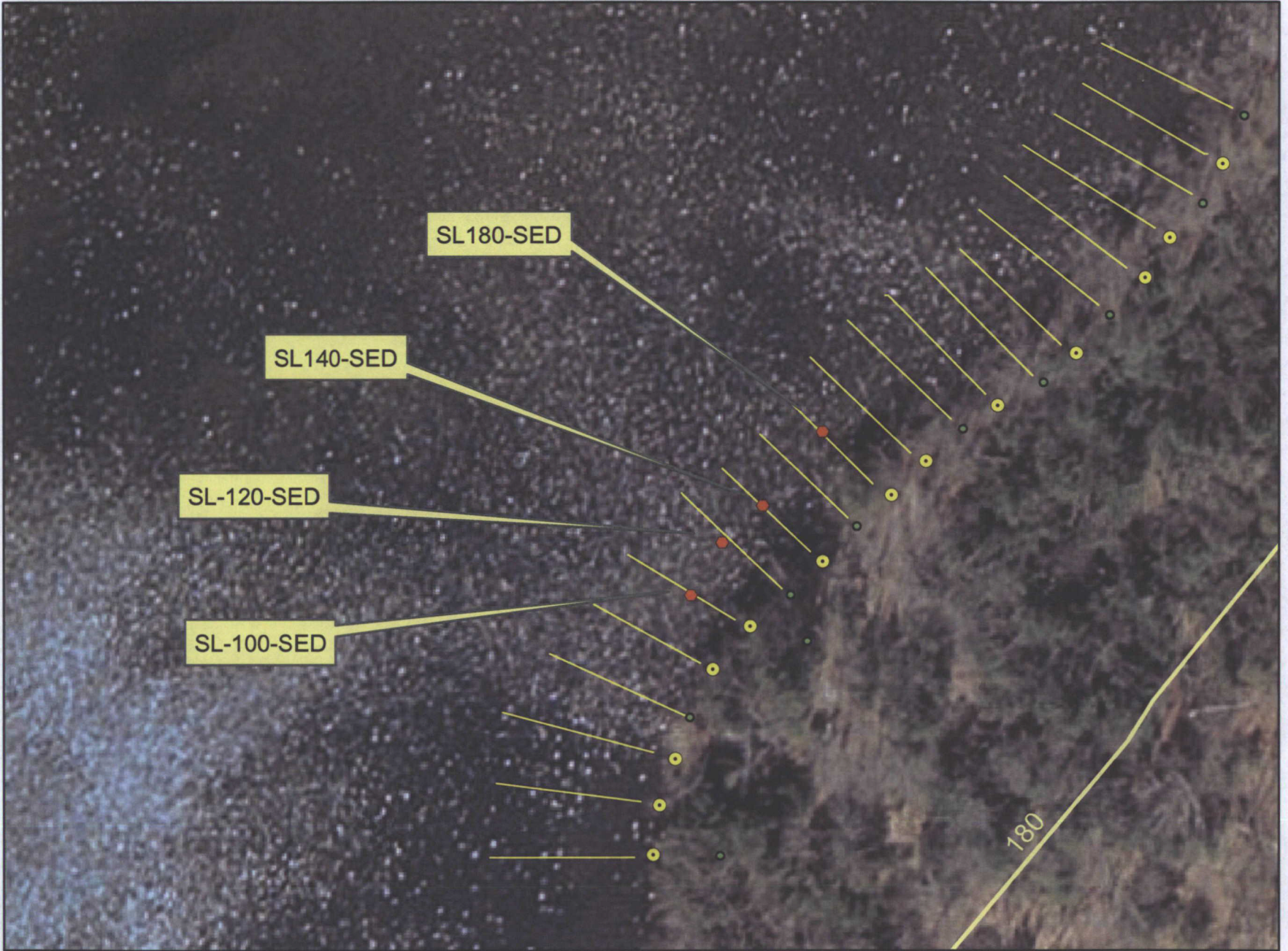
- Sheen
- No Sheen

0 100 200 Feet





Figure 5. Locations of sediment samples



0 100 200 Feet



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Appendix A  
Laboratory Analytical Reports

Continued from Previous Page

HETL Sample Number: B037283001

HETL Sample Number: B037283001 Default

Description: SL-100-SED

Matrix: SOLID

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: 8270C

Analyst: JIM EATON

Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared: 11/02/2006 Time Prepared: 2:30 PM Amount Extracted: Extraction pH: Final Amount of Extract:

Analyte	Result	Units	RL	MCL	Qualifiers
2-Methylnaphthalene	<100	ug/kg	100		
Acenaphthene	<100	ug/kg	100		
Acenaphthylene	340	ug/kg	100		Ach
Anthracene	250	ug/kg	100		Ach
Benzo(a)anthracene	790	ug/kg	100		Ach
Benzo(a)pyrene	1200	ug/kg	100		Ach
Benzo(b)fluoranthene	1800	ug/kg	100		Ach
Benzo(g,h,i)perylene	1000	ug/kg	500		Ach
Benzo(k)fluoranthene	570	ug/kg	100		Ach
Chrysene	1200	ug/kg	100		Ach
Dibenzo(a,h)anthracene	<500	ug/kg	500		
Fluoranthene	1900	ug/kg	100		Ach
Fluorene	<100	ug/kg	100		
Naphthalene	<100	ug/kg	100		
Phenanthrene	700	ug/kg	100		Ach
Pyrene	1500	ug/kg	100		Ach
2-Chloronaphthalene	5.0	ug/kg	100		J
Indeno(1,2,3-cd)pyrene	910	ug/kg	500		Ach

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	61.0			23	120	LoRec
2-Fluorobiphenyl	76.0			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	92.0			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283001**

Continued from Previous Page

HETL Sample Number: B037283001

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

The MCL, Maximum Contaminant Level is listed for comparing your results with recommended levels.

In the "Qualifier" column, an "\*" is placed to indicate any results that exceed this MCL:

**If there are no "\*" in the "Qualifier" column, your water is considered satisfactory for those tests.**

All solid results on a "Dry Weight" basis

NC = Not confirmed    NQ = Not Quantitated    NA = Not Analyzed    J = Approximately    U = Undetected    R = Rejected

RL-Reporting Limit, the lowest concentration which can be reliably reported on a routine basis

"<" = Less than    ">" = Greater than

**Note: Results below the advisory limit, including < and K are considered satisfactory for that parameter.**

## Disclaimer

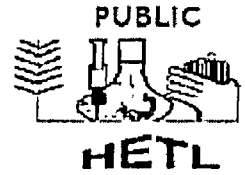
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SL-120-SEO

MAINE HEALTH AND ENVIRONMENTAL TESTING LABORATORY

221 State Street, Station #12
Department of Health and Human Services
Augusta, Maine 04333
Tel. No. 207-287-1716
Fax. No. 207-287-6832



JOHN BEANE
DEPT OF ENVIRONMENTAL PROTECTION
17 SHS
AUGUSTA ME 04333 Fax#:

Logged: 11/1/2006 11:55:00AM
Folder/ Invoice # B037283

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Summary
DEPP

Project Name: WINTHROP COMMERCE CENTER

Released: 11/20/2006

No. of Samples in Folder 13

Case #:

- B037283001, B037283002, B037283003
B037283004, B037283005, B037283006
B037283007, B037283008, B037283009
B037283010, B037283011, B037283012
B037283013

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CERTIFICATION

The HETL hereby certifies that all test results for this sample were analyzed by the method listed, including preservation, preparation, and holding times, unless otherwise indicated.

John A. Krueger, Director

Richard French, Quality Assurance Officer

If we can be of further assistance to you, Please Call us at 287-1716

Approved by:

[Signature]

Continued from Previous Page

HETL Sample Number: **B037283002**

HETL Sample Number: B037283002 Default

Description: SL-120-SED

Matrix: **SOLID**

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: 8270C

Analyst **JIM EATON**

Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
11/02/2006	2:30 PM					
Analyte	Result	Units	RL	MCL	Qualifiers	
2-Methylnaphthalene	<100	ug/kg	100			
Accnaphthene	<100	ug/kg	100			
Acenaphthylene	340	ug/kg	100			Ach
Anthracene	240	ug/kg	100			Ach
Benzo(a)anthracene	810	ug/kg	100			Ach
Benzo(a)pyrene	1200	ug/kg	100			Ach
Benzo(b)fluoranthene	1700	ug/kg	100			Ach
Benzo(g,h,i)perylene	950	ug/kg	500			Ach
Benzo(k)fluoranthene	590	ug/kg	100			Ach
Chrysene	1100	ug/kg	100			Ach
Dibenzo(a,h)anthracene	<500	ug/kg	500			
Fluoranthene	1800	ug/kg	100			Ach
Fluorene	<100	ug/kg	100			
Naphthalene	<100	ug/kg	100			
Phenanthrene	730	ug/kg	100			Ach
Pyrene	1500	ug/kg	100			Ach
2-Chloronaphthalene	<100	ug/kg	100			
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500			

Surrogate Analytes	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
(added as part of testing to verify performance)						
Nitrobenzene-d5	82.0			23	120	LoRec
2-Fluorobiphenyl	101			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	109			18	137	LoRec

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*Continued from Previous Page*

HETL Sample Number: **B037283002**

Continued from Previous Page

HETL Sample Number: B037283002

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

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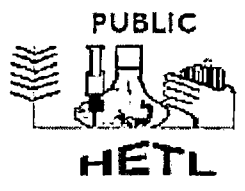
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JOHN BEANE  
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 17 SHS  
 AUGUSTA ME 04333 Fax#:

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Project Name: WINTHROP COMMERCE CENTER

Released: 11/20/2006  
 Case #:

No. of Samples in Folder 13  
 B037283001, B037283002, B037283003  
 B037283004, B037283005, B037283006  
 B037283007, B037283008, B037283009  
 B037283010, B037283011, B037283012  
 B037283013

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**CERTIFICATION**

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John A. Krueger, Director

Richard French, Quality Assurance Officer

If we can be of further assistance to you, Please Call us at 287-1716

Approved by:

*James C. [Signature]*

Continued from Previous Page

HETL Sample Number: **B037283003**

HETL Sample Number: B037283003 Default

Description: SL-140-SED

Matrix: **SOLID**

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: 8270C

Analyst **JIM EATON**

Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract	
11/02/2006	2:30 PM				
Analyte	Result	Units	RL	MCL	Qualifiers
2-Methylnaphthalene	<100	ug/kg	100		
Acenaphthene	<100	ug/kg	100		
Acenaphthylene	100	ug/kg	100		Ach
Anthracene	110	ug/kg	100		Ach
Benzo(a)anthracene	340	ug/kg	100		Ach
Benzo(a)pyrene	480	ug/kg	100		Ach
Benzo(b)fluoranthene	750	ug/kg	100		Ach
Benzo(g,h,i)perylene	<500	ug/kg	500		
Benzo(k)fluoranthene	230	ug/kg	100		Ach
Chrysene	470	ug/kg	100		Ach
Dibenzo(a,h)anthracene	<500	ug/kg	500		
Fluoranthene	1200	ug/kg	100		Ach
Fluorene	<100	ug/kg	100		
Naphthalene	<100	ug/kg	100		
Phenanthrene	340	ug/kg	100		Ach
Pyrene	650	ug/kg	100		Ach
2-Chloronaphthalene	<100	ug/kg	100		
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500		

Surrogate Analytes	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
(added as part of testing to verify performance)						
Nitrobenzene-d5	74.0			23	120	LoRec
2-Fluorobiphenyl	89.0			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	97.0			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283003**

Continued from Previous Page

HETL Sample Number: B037283003

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

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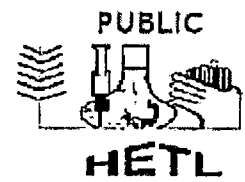
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A-157-05  
SL-180-SED

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10/31/06

31

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Tel. No. 207-287-1716  
Fax. No. 207-287-6832



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**DEPT OF ENVIRONMENTAL PROTECTION**  
17 SHS  
AUGUSTA ME 04333

Fax#:

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Project Name: WINTHROP COMMERCE CENTER

Released: 11/20/2006  
Case #:

No. of Samples in Folder 13

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- B037283004, B037283005, B037283006
- B037283007, B037283008, B037283009
- B037283010, B037283011, B037283012
- B037283013

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John A. Krueger, Director

Richard French, Quality Assurance Officer

If we can be of further assistance to you, Please Call us at 287-1716

Approved by:

CC:

Continued from Previous Page

HETL Sample Number: **B037283004**

HETL Sample Number: B037283004 Default

Description: SL-180-SED

Matrix: **SOLID**

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: 8270C

Analyst **JIM EATON**

Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
11/02/2006	2:30 PM					
Analyte	Result	Units	RL	MCL		Qualifiers
2-Methylnaphthalene	<100	ug/kg	100			
Acenaphthene	<100	ug/kg	100			
Acenaphthylene	<100	ug/kg	100			
Anthracene	140	ug/kg	100			Ach
Benzo(a)anthracene	440	ug/kg	100			Ach
Benzo(a)pyrene	460	ug/kg	100			Ach
Benzo(b)fluoranthene	680	ug/kg	100			Ach
Benzo(g,h,i)perylene	<500	ug/kg	500			
Benzo(k)fluoranthene	240	ug/kg	100			Ach
Chrysene	500	ug/kg	100			Ach
Dibenzo(a,h)anthracene	<500	ug/kg	500			
Fluoranthene	1100	ug/kg	100			Ach
Fluorene	600	ug/kg	100			Ach
Naphthalene	<100	ug/kg	100			
Phenanthrene	<100	ug/kg	100			
Pyrene	760	ug/kg	100			Ach
2-Chloronaphthalene	<100	ug/kg	100			
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500			

Surrogate Analytes	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
(added as part of testing to verify performance)						
Nitrobenzene-d5	87.0			23	120	LoRec
2-Fluorobiphenyl	106			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	136			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283004**

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

The MCL, Maximum Contaminant Level is listed for comparing your results with recommended levels. In the "Qualifier" column, an "\*" is placed to indicate any results that exceed this MCL.

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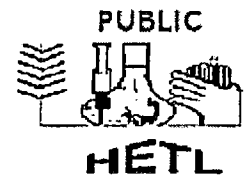




Winthrop Commerce Center  
A-157-05  
SL-120-2

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221 State Street, Station #12  
Department of Health and Human Services  
Augusta, Maine 04333  
Tel. No. 207-287-1716  
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10/31/06 35



JOHN BEANE  
DEPT OF ENVIRONMENTAL PROTECTION  
17 SHS  
AUGUSTA ME 04333

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Project Name: WINTHROP COMMERCE CENTER

Released: 11/20/2006

No. of Samples in Folder 13

Case #:

- B037283001, B037283002, B037283003
- B037283004, B037283005, B037283006
- B037283007, B037283008, B037283009
- B037283010, B037283011, B037283012
- B037283013

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John A. Krueger, Director

Richard French, Quality Assurance Officer

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Approved by:

Continued from Previous Page

HETL Sample Number: B037283005

HETL Sample Number: B037283005 Default

Description: SL-120-2

Matrix: NP-H20

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: 8270C

Analyst: JIM EATON

Analysis Datetime: 11/03/2006

Preparation Method: 8270 Sep Fun Liq Liq

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
Analyte	Result	Units	RL	MCL	Qualifiers	
2-Methylnaphthalene	<1	ug/L	1.0			
Acenaphthene	<1	ug/L	1.0			
Acenaphthylene	<1	ug/L	1.0			
Anthracene	<1	ug/L	1.0			
Benzo(a)anthracene	<1	ug/L	1.0			
Benzo(a)pyrene	<1	ug/L	1.0			
Benzo(b)fluoranthene	<1	ug/L	1.0			
Benzo(g,h,i)perylene	<5	ug/L	5.0			
Benzo(k)fluoranthene	<1	ug/L	1.0			
Chrysene	<1	ug/L	1.0			
Dibenzo(a,h)anthracene	<5	ug/L	5.0			
Fluoranthene	<1	ug/L	1.0			
Fluorene	<1	ug/L	1.0			
Naphthalene	<1	ug/L	1.0			
Phenanthrene	<1	ug/L	1.0			
Pyrene	<1	ug/L	1.0			
2-Chloronaphthalene	<1	ug/L	1.0			
Indeno(1,2,3-cd)pyrene	<5	ug/L	5.0			

Surrogate Analytes	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
(added as part of testing to verify performance)						
Nitrobenzene-d5	80.1			35	114	LoRec
2-Fluorobiphenyl	90.7			43	116	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	106			33	141	LoRec

Continued from Previous Page

HETL Sample Number: B037283005

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

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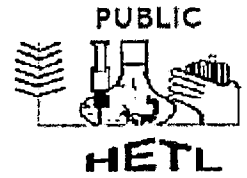
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10/31/06

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17 SHS  
AUGUSTA ME 04333

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Project Name: WINTHROP COMMERCE CENTER

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- B037283013

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John A. Krueger, Director

Richard French, Quality Assurance Officer

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Continued from Previous Page

HETL Sample Number: B037283006

HETL Sample Number: B037283006 Default

Description: SL-140-3

Matrix: NP-H20

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: 8270C

Analyst: JIM EATON

Analysis Datetime: 11/03/2006

Preparation Method: 8270 Sep Fun Liq Liq

Prepared by: JIM EATON

Date Prepared Time Prepared Amount Extracted Extraction pH Final Amount of Extract

Analyte	Result	Units	RL	MCL	Qualifiers
2-Methylnaphthalene	<1	ug/L	1.0		
Acenaphthene	<1	ug/L	1.0		
Acenaphthylene	<1	ug/L	1.0		
Anthracene	<1	ug/L	1.0		
Benzo(a)anthracene	<1	ug/L	1.0		
Benzo(a)pyrene	<1	ug/L	1.0		
Benzo(b)fluoranthene	<1	ug/L	1.0		
Benzo(g,h,i)perylene	<5	ug/L	5.0		
Benzo(k)fluoranthene	<1	ug/L	1.0		
Chrysene	<1	ug/L	1.0		
Dibenzo(a,h)anthracene	<5	ug/L	5.0		
Fluoranthene	<1	ug/L	1.0		
Fluorene	<1	ug/L	1.0		
Naphthalene	<1	ug/L	1.0		
Phenanthrene	<1	ug/L	1.0		
Pyrene	<1	ug/L	1.0		
2-Chloronaphthalene	<1	ug/L	1.0		
Indeno(1,2,3-cd)pyrene	<5	ug/L	5.0		

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	75.2			35	114	LoRec
2-Fluorobiphenyl	82.2			43	116	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	104			33	141	LoRec

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

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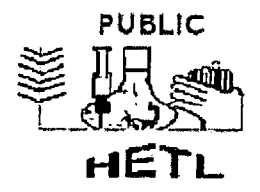
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Wintthrop Commerce Center  
A-157-05  
SL-140-4

MAH 10/31/06 41

MAINE HEALTH AND ENVIRONMENTAL  
TESTING LABORATORY  
221 State Street, Station #12  
Department of Health and Human Services  
Augusta, Maine 04333  
Tel. No. 207-287-1716  
Fax. No. 207-287-6832



JOHN BEANE  
DEPT OF ENVIRONMENTAL PROTECTION  
17 SHS  
AUGUSTA ME 04333 Fax#:

Logged: 11/1/2006 11:55:00AM  
Folder/ Invoice # B037283

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Summary  
DEPP

Project Name: WINTHROP COMMERCE CENTER

Released: 11/20/2006  
Case #:

No. of Samples in Folder 13  
B037283001, B037283002, B037283003  
B037283004, B037283005, B037283006  
B037283007, B037283008, B037283009  
B037283010, B037283011, B037283012  
B037283013

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### CERTIFICATION

The HETL hereby certifies that all test results for this sample were analyzed by the method listed, including preservation, preparation, and holding times, unless otherwise indicated.

John A. Krueger, Director

Richard French, Quality Assurance Officer

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Approved by:

CC:

Continued from Previous Page

HETL Sample Number: B037283007

HETL Sample Number: B037283007 Default

Description: SL-140-4

Matrix: NP-H20

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: 8270C

Analyst: JIM EATON

Analysis Datetime: 11/03/2006

Preparation Method: 8270 Sep Fun Liq Liq

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
Analyte	Result	Units	RL	MCL	Qualifiers	
2-Methylnaphthalene	<1	ug/L	1.0			
Acenaphthene	<1	ug/L	1.0			
Acenaphthylene	<1	ug/L	1.0			
Anthracene	<1	ug/L	1.0			
Benzo(a)anthracene	<1	ug/L	1.0			
Benzo(a)pyrene	<1	ug/L	1.0			
Benzo(b)fluoranthene	<1	ug/L	1.0			
Benzo(g,h,i)perylene	<5	ug/L	5.0			
Benzo(k)fluoranthene	<1	ug/L	1.0			
Chrysene	<1	ug/L	1.0			
Dibenzo(a,h)anthracene	<5	ug/L	5.0			
Fluoranthene	<1	ug/L	1.0			
Fluorene	<1	ug/L	1.0			
Naphthalene	<1	ug/L	1.0			
Phenanthrene	<1	ug/L	1.0			
Pyrene	<1	ug/L	1.0			
2-Chloronaphthalene	<1	ug/L	1.0			
Indeno(1,2,3-cd)pyrene	<5	ug/L	5.0			

Surrogate Analytes	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
(added as part of testing to verify performance)						
Nitrobenzene-d5	76.6			35	114	LoRec
2-Fluorobiphenyl	83.1			43	116	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	103			33	141	LoRec



Continued from Previous Page

HETL Sample Number: B037283007

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

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RL-Reporting Limit, the lowest concentration which can be reliably reported on a routine basis

"<" = Less than    ">" = Greater than

**Note: Results below the advisory limit, including < and K are considered satisfactory for that parameter.**

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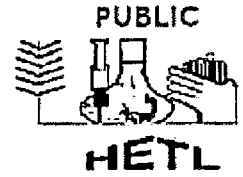


Winthrop Commerce Center  
A-157-05  
SL-180-2

MAH

10/31/06

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JOHN BEANE  
DEPT OF ENVIRONMENTAL PROTECTION  
17 SHS  
AUGUSTA ME 04333 Fax#:

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Project Name: WINTHROP COMMERCE CENTER

Released: 11/20/2006

No. of Samples in Folder 13

Case #:

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- B037283004, B037283005, B037283006
- B037283007, B037283008, B037283009
- B037283010, B037283011, B037283012
- B037283013

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### CERTIFICATION

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John A. Krueger, Director

Richard French, Quality Assurance Officer

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Continued from Previous Page

HETL Sample Number: B037283008

HETL Sample Number: B037283008 Default

Description: SL-180-2

Matrix: NP-H20

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: 8270C

Analyst JIM EATON

Analysis Datetime: 11/03/2006

Preparation Method: 8270 Sep Fun Liq Liq

Prepared by: JIM EATON

Analyte	Result	Units	RL	MCL	Qualifiers
2-Methylnaphthalene	<1	ug/L	1.0		
Acenaphthene	<1	ug/L	1.0		
Acenaphthylene	<1	ug/L	1.0		
Anthracene	<1	ug/L	1.0		
Benzo(a)anthracene	<1	ug/L	1.0		
Benzo(a)pyrene	<1	ug/L	1.0		
Benzo(b)fluoranthene	<1	ug/L	1.0		
Benzo(g,h,i)perylene	<5	ug/L	5.0		
Benzo(k)fluoranthene	<1	ug/L	1.0		
Chrysene	<1	ug/L	1.0		
Dibenzo(a,h)anthracene	<5	ug/L	5.0		
Fluoranthene	<1	ug/L	1.0		
Fluorene	<1	ug/L	1.0		
Naphthalene	<1	ug/L	1.0		
Phenanthrene	<1	ug/L	1.0		
Pyrene	<1	ug/L	1.0		
2-Chloronaphthalene	<1	ug/L	1.0		
Indeno(1,2,3-cd)pyrene	<5	ug/L	5.0		

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	78.2			35	114	LoRec
2-Fluorobiphenyl	86.4			43	116	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	118			33	141	LoRec

Continued from Previous Page

HETL Sample Number: B037283008

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

The MCL, Maximum Contaminant Level is listed for comparing your results with recommended levels.

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RL-Reporting Limit, the lowest concentration which can be reliably reported on a routine basis

"<" = Less than    ">" = Greater than

**Note: Results below the advisory limit, including < and K are considered satisfactory for that parameter.**

## Disclaimer

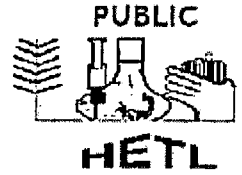
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SL-180-3

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Augusta, Maine 04333  
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10/31/06 47



JOHN BEANE  
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17 SHS  
AUGUSTA ME 04333

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Released: 11/20/2006

Case #:

Project Name: WINTHROP COMMERCE CENTER

No. of Samples in Folder 13

- B037283001, B037283002, B037283003
- B037283004, B037283005, B037283006
- B037283007, B037283008, B037283009
- B037283010, B037283011, B037283012
- B037283013

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### CERTIFICATION

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John A. Krueger, Director

Richard French, Quality Assurance Officer

If we can be of further assistance to you, Please Call us at 287-1716

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Continued from Previous Page

HETL Sample Number: B037283009

HETL Sample Number: B037283009 Default

Description: SL-180-3

Matrix: NP-H20

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: ME 4.1.25

Analyst JOHN MARTHA

Analysis Datetime: 11/03/2006

Preparation Method: DRO Sep Fun Liq Liq

Prepared by: JOHN MARTHA

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract			
11/01/2006	12:00	980 ml	<2	1.0 ml			
Analyte	Result	Units	RL	MCL	Qualifiers		
DRO	<50	ug/L	50	50			
Surrogate Analytes	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers	
<small>(added as part of testing to verify performance)</small>							
o-terphenyl	20.7	20.0	103.5	50	150		

Continued from Previous Page

HETL Sample Number: B037283009

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

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"<" = Less than    ">" = Greater than

**Note: Results below the advisory limit, including < and K are considered satisfactory for that parameter.**

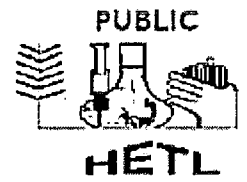
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A-157-05 OS-9

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Augusta, Maine 04333  
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17 SHS  
AUGUSTA ME 04333 Fax#:

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Project Name: WINTHROP COMMERCE CENTER

Released: 11/20/2006  
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No. of Samples in Folder 13

- B037283001, B037283002, B037283003
- B037283004, B037283005, B037283006
- B037283007, B037283008, B037283009
- B037283010, B037283011, B037283012
- B037283013

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John A. Krueger, Director

Richard French, Quality Assurance Officer

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Continued from Previous Page

HETL Sample Number: B037283010

HETL Sample Number: B037283010 Default

Description: OS-9

Matrix: SOLID

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/30/2006

Time: 11:12:00

Method: 8270C

Analyst: JIM EATON

Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract
11/02/2006	2:30 PM			

Analyte	Result	Units	RL	MCL	Qualifiers
2-Methylnaphthalene	<100	ug/kg	100		
Accnaphthene	170	ug/kg	100		Ach
Accnaphthylene	380	ug/kg	100		Ach
Anthracene	420	ug/kg	100		Ach
Benzo(a)anthracene	910	ug/kg	100		Ach
Benzo(a)pyrene	1200	ug/kg	100		Ach
Benzo(b)fluoranthene	330	ug/kg	100		Ach
Benzo(g,h,i)perylene	<500	ug/kg	500		
Benzo(k)fluoranthene	380	ug/kg	100		Ach
Chrysene	2000	ug/kg	100		Ach
Dibenzo(a,h)anthracene	<500	ug/kg	500		
Fluoranthene	1600	ug/kg	100		Ach
Fluorene	260	ug/kg	100		Ach
Naphthalene	<100	ug/kg	100		
Phenanthrene	590	ug/kg	100		Ach
Pyrene	2300	ug/kg	100		Ach
2-Chloronaphthalene	<100	ug/kg	100		
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500		

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	87.0			23	120	LoRec
2-Fluorobiphenyl	91.0			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	177			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283010**

Continued from Previous Page

HETL Sample Number: B037283010

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

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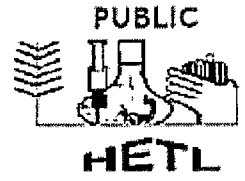
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A-157-05

SS-2

MAINE HEALTH AND ENVIRONMENTAL TESTING LABORATORY

221 State Street, Station #12
Department of Health and Human Services
Augusta, Maine 04333
Tel. No. 207-287-1716
Fax. No. 207-287-6832



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17 SHS
AUGUSTA ME 04333

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Summary
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Project Name: WINTHROP COMMERCE CENTER

Released: 11/20/2006
Case #:

No. of Samples in Folder 13

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B037283004, B037283005, B037283006
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B037283010, B037283011, B037283012
B037283013

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CERTIFICATION

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John A. Krueger, Director

Richard French, Quality Assurance Officer

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Approved by:

[Handwritten Signature]

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Continued from Previous Page

HETL Sample Number: B037283012

HETL Sample Number: B037283012 Default

Description:SS-2

Matrix: SOLID

Sample Point:

Sampler: JOHN BEANE

Sample Date:10/30/2006

Time:11:50:00

Method: 8270C

Analyst JIM EATON

Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract
11/02/2006	2:30 PM			

Analyte	Result	Units	RL	MCL	Qualifiers
2-Methylnaphthalene	<100	ug/kg	100		
Acenaphthene	<100	ug/kg	100		
Acenaphthylene	<100	ug/kg	100		
Anthracene	<100	ug/kg	100		
Benzo(a)anthracene	<100	ug/kg	100		
Benzo(a)pyrene	<100	ug/kg	100		
Benzo(b)fluoranthene	<100	ug/kg	100		
Benzo(g,h,i)perylene	<500	ug/kg	500		
Benzo(k)fluoranthene	<100	ug/kg	100		
Chrysene	<100	ug/kg	100		
Dibenzo(a,h)anthracene	<500	ug/kg	500		
Fluoranthene	120	ug/kg	100		Ach
Fluorene	<100	ug/kg	100		
Naphthalene	<100	ug/kg	100		
Phenanthrene	<100	ug/kg	100		
Pyrene	<100	ug/kg	100		
2-Chloronaphthalene	<100	ug/kg	100		
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500		

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	65.0			23	120	LoRec
2-Fluorobiphenyl	79.0			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	94.0			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283012**

Continued from Previous Page

HETL Sample Number: B037283012

### Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

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A-157-05

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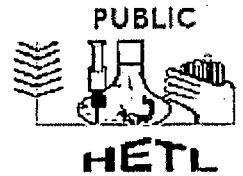
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Department of Health and Human Services

Augusta, Maine 04333

Tel. No. 207-287-1716

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SS-1

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17 SHS  
AUGUSTA ME 04333

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Project Name: WINTHROP COMMERCE CENTER

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Case #:

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John A. Krueger, Director

Richard French, Quality Assurance Officer

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Approved by:



Continued from Previous Page

HETL Sample Number: B037283011

HETL Sample Number: B037283011 Default

Description:SS-1

Matrix: SOLID

Sample Point:

Sampler: JOHN BEANE

Sample Date:10/30/2006

Time:11:40:00

Method: 8270C

Analyst JIM EATON

Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
11/02/2006	2:30 PM					
Analyte	Result	Units	RL	MCL	Qualifiers	
2-Methylnaphthalene	<100	ug/kg	100			
Acenaphthene	<100	ug/kg	100			
Acenaphthylene	<100	ug/kg	100			
Anthracene	150	ug/kg	100		Ach	
Benzo(a)anthracene	480	ug/kg	100		Ach	
Benzo(a)pyrene	980	ug/kg	100		Ach	
Benzo(b)fluoranthene	610	ug/kg	100		Ach	
Benzo(g,h,i)perylene	<500	ug/kg	500			
Benzo(k)fluoranthene	790	ug/kg	100		Ach	
Chrysene	1300	ug/kg	100		Ach	
Dibenzo(a,h)anthracene	<500	ug/kg	500			
Fluoranthene	1000	ug/kg	100		Ach	
Fluorene	<100	ug/kg	100			
Naphthalene	<100	ug/kg	100			
Phenanthrene	210	ug/kg	100		Ach	
Pyrene	1300	ug/kg	100		Ach	
2-Chloronaphthalene	<100	ug/kg	100			
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500			

Surrogate Analytes	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
(added as part of testing to verify performance)						
Nitrobenzene-d5	94.0			23	120	LoRec
2-Fluorobiphenyl	112			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	120			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283011**

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

The MCL, Maximum Contaminant Level is listed for comparing your results with recommended levels. In the "Qualifier" column, an "\*" is placed to indicate any results that exceed this MCL.

**If there are no "\*" in the "Qualifier" column, your water is considered satisfactory for those tests.**

All solid results on a "Dry Weight" basis

NC = Not confirmed    NQ = Not Quantitated    NA = Not Analyzed    J = Approximately    U = Undetected    R = Rejected

RL-Reporting Limit, the lowest concentration which can be reliably reported on a routine basis

"<" = Less than    ">" = Greater than

**Note: Results below the advisory limit, including < and K are considered satisfactory for that parameter.**

## Disclaimer

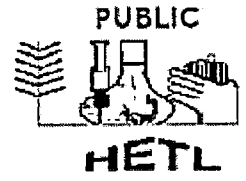
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Winthrop Commerce Center MAH  
A-157-05  
SS-3

MAINE HEALTH AND ENVIRONMENTAL  
TESTING LABORATORY  
221 State Street, Station #12  
Department of Health and Human Services  
Augusta, Maine 04333  
Tel. No. 207-287-1716  
Fax. No. 207-287-6832

10/31/06



JOHN BEANE  
DEPT OF ENVIRONMENTAL PROTECTION  
17 SHS  
AUGUSTA ME 04333 Fax#:

Logged: 11/1/2006 11:55:00AM  
Folder/ Invoice # B037283

Office Use Only:  
Summary  
DEPP

Project Name: WINTHROP COMMERCE CENTER

Released: 11/20/2006  
Case #:

No. of Samples in Folder 13

- B037283001, B037283002, B037283003
- B037283004, B037283005, B037283006
- B037283007, B037283008, B037283009
- B037283010, B037283011, B037283012
- B037283013

FILE COPY

### CERTIFICATION

The HETL hereby certifies that all test results for this sample were analyzed by the method listed, including preservation, preparation, and holding times, unless otherwise indicated.

John A. Krueger, Director

Richard French, Quality Assurance Officer

If we can be of further assistance to you, Please Call us at 287-1716

Approved by:

Continued from Previous Page

HETL Sample Number: B037283013

HETL Sample Number: B037283013 Default

Description:SS-3

Matrix: SOLID

Sample Point:

Sampler: JOHN BEANE

Sample Date:10/30/2006

Time:12:06:00

Method: 8270C

Analyst JIM EATON

Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract
11/02/2006	2:30 PM			

Analyte	Result	Units	RL	MCL	Qualifiers
2-Methylnaphthalene	<100	ug/kg	100		
Acenaphthene	<100	ug/kg	100		
Acenaphthylene	<100	ug/kg	100		
Anthracene	<100	ug/kg	100		
Benzo(a)anthracene	210	ug/kg	100		Ach
Benzo(a)pyrene	350	ug/kg	100		Ach
Benzo(b)fluoranthene	390	ug/kg	100		Ach
Benzo(g,h,i)perylene	<500	ug/kg	500		
Benzo(k)fluoranthene	370	ug/kg	100		Ach
Chrysene	350	ug/kg	100		Ach
Dibenzo(a,h)anthracene	<500	ug/kg	500		
Fluoranthene	700	ug/kg	100		Ach
Fluorene	<100	ug/kg	100		
Naphthalene	<100	ug/kg	100		
Phenanthrene	370	ug/kg	100		Ach
Pyrene	460	ug/kg	100		Ach
2-Chloronaphthalene	5.0	ug/kg	100		J
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500		

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	92.0			23	120	LoRec
2-Fluorobiphenyl	114			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	124			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283013**

Continued from Previous Page

HETL Sample Number: B037283013

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

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State of Maine  
Health and Environmental Testing Lab

221 State Street Station #12  
Phone (207) 287-2727

Augusta, ME 04333-0012  
Fax (207) 287-4525

Chain - of - Custody

B037283

Sample Date: 10/31/06  
Town/County: Winthrop/Kennebec  
Project Name: Winthrop Commerce Center

Company: <u>Maine DEP</u>	Appropriation/PO# <u>014 06A 1517-442</u>	Compliance sample <u>Y1D</u>
Contact: <u>John E. Beane</u>	Bill To: <u>John Beane MDEP</u>	Copy To:
Address: <u>SHS #17</u>	Address: <u>SHS #17</u>	Address:
Phone: <u>287-7635</u> Fax:	Phone: Fax:	Phone: Fax:
e-Mail address:	e-Mail address:	e-Mail address:

Sample ID	Sample time	Preservation	Container vol	Container type	Quantity	Grab or Composite	Matrix:	Ground Water	Waste Water	Drinking Water	Solids	Other	Analyses Required	HETL Number
SL-100-SED		-			1	G	S						PAHS 808270C	B037283-001
SL-120-SED					1	G								002
SL-140-SED					1	L								003
SL-180-SED					1	L								004
SL-120-2		No	1L	40	1	G	Surface water						PAHW 8270C	005
SL-140-3														006
SL-140-4														007
SL-180-2														008
SL-180-3													DROW	009

Notes: Expected contaminant #6 Fuel oil. Water samples are lake water with oily sheen.

Sampled By: <u>John E. Beane</u>	Date/Time: <u>11/1/06</u>	Received By: <u>D. J. [Signature]</u>	Date/Time: <u>11/01/06 11:44:05 AM</u>
Relinquished By:	Date/Time:	Received By:	Date/Time:
Relinquished By:	Date/Time:	Received By:	Date/Time:
Rush (Yes or No)	Fax Results (Yes or No)	Custody seal intact (Yes or No)	Temperature on Arrival <u>L/</u> °C

If the sample is deemed hazardous it may be returned to the client at your expense for proper disposal  
By signing this Chain-of-Custody you agree that the limit of The HETL's liability to be the cost of the analytical fees in question



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6076

State of Maine  
Health and Environmental Testing Lab

221 State Street Station #12  
Phone (207) 287-2727

Augusta, ME 04333-0012  
Fax (207) 287-4525

Chain - of - Custody

B037283

Sample Date: 10/30/06  
Town/County: Winthrop/Kennebec  
Project Name: Winthrop Commerce Center

Company: <u>Maine DEP</u>	Appropriation/PO# <u>014 OCA 1517 442</u>	Compliance sample <u>Y1N</u>
Contact: <u>John E. Beane</u>	Bill To: <u>John Beane</u>	Copy To:
Address: <u>SHS #17</u>	Address:	Address
Phone: <u>287-7635</u> Fax:	Phone: Fax:	Phone: Fax:
e-Mail address:	e-Mail address:	e-Mail address

Sample ID	Sample time	Preservation	Container vol	Container type	Quantity	Grab or Composite	Matrix:	Ground Water	Waste Water	Drinking Water	Solids	Other	Analyses Required	HETL Number
OS-9	11:12	Nc			1	G	S.S.I						PAHS - 8270G	B037283-016
SS-1	11:40				1	G								011
SS-2	11:50				1	G								012
SS-3	12:06				1	G								013

Notes:

Sampled By <u>John E. Beane</u>	Date/Time <u>11/1/06</u>	Received By <u>John</u>	Date/Time <u>10/30/06 11:44:05</u>
Relinquished By	Date/Time	Received By	Date/Time
Relinquished By	Date/Time	Received By	Date/Time
Rush (Yes or No)	Fax Results (Yes or No)	Custody seal intact (Yes or No)	Temperature on Arrival <u>4</u> °C

If the sample is deemed hazardous it may be returned to the client at your expense for proper disposal  
By signing this Chain-of-Custody you agree that the limit of The HETL's liability to be the cost of the analytical fees in question

rev 5/17/05

Investigation and Sampling Report  
Winthrop Commerce Center LUST Site  
Haeefe Damage Claim

Appendix B  
Selected Field Photographs

## Field Methods

### Soil Sampling

The first task will be to locate the zone of probable contamination on the land. We will use a builder's level to determine the relative elevation of the stained rings on the trees.

If all the visible rings are the same elevation ( $\pm 0.2$  ft.), then that elevation will be located on the ground, and the contour will be marked with closely spaced pin flags. Similar to a bathtub ring, that contour would mark the water level at the time that the floating oil "event" happened. Inspection of the land surface for oily residue or staining, and sampling for contaminant compounds will then be focused along that contour.

If the oil-stained rings on the trees are not all the same elevation, that would imply that floating "clots" of oil blew into shore as the water level varied over a more prolonged floating oil "episode". If this is the case, then inspection of the land surface for oily residue or staining, and sampling for contaminant compounds will then be focused throughout the area below the elevation of the highest stains.

Soil samples will be collected from the upper ten centimeters, including the leaf litter and forest duff, because floating product would have adhered to these surface materials and it would not have been fluid enough to penetrate the soil. Only one autumn leaf fall has occurred since the oil discharge, so the oil will not be deeply buried beneath subsequent accumulations of leaves.

### Sediment and Water Samples

Targeting the most likely locations for sediment contamination is not as straightforward as was the case with soil. Heavy oil floating on a surface water body tends to sink because the oil picks up relatively denser soil particles by contact with the shoreline. Sand is the most likely material to cause this. The shoreline on the Haefele property is not particularly sandy. Rather, it is stony or covered with leafy organic detritus. Sunken oil may not be particularly abundant along the Haefele shoreline.

To screen locations for sunken oil contamination, a sampling grid will be established along the shoreline. Pin flags will be placed on the shoreline at twenty foot intervals. From a boat, the bottom sediment will be disturbed at depths of two feet, four feet and six feet (to the extent that it is reasonable and practical) adjacent to each pin flag, in an effort to mobilize sunken oil and create a sheen at the lake surface. The implement used to disturb the bottom sediments (a hoe?) will be observed for oil contamination between each screening point. The depth, distance to shore and GPS location ( $\pm 1$  meter) will be recorded for each point. If a sheen is noted, then a water sample will be collected from the surface in an attempt to capture some of the floating oil. Up to two such samples will be collected. At up to four locations where a sheen is observed after disturbing the bottom sediments, or where oily residue is noted on the implement, sediment samples will be collected from the upper ten centimeters using a mini-ponar sampler. Sampling

will be done in accordance with the Department's "Surface Water and Sediment Sampling Protocol" (Brian Beneski, 1999).

The locations of all samples will be documented using GPS to within  $\pm 1$  meter.

### **Reporting**

A report will be generated upon receipt of laboratory analytical reports that will document the field observations and laboratory chemical analyses and interpret the results to shed light on the degree of remaining contamination of the property. The report will include photographic documentation of the staining and field transferability tests, any photographs of sheens mobilized by field activities, and a map or maps documenting sample locations.

## Cumming, James

---

**From:** Cumming, James  
**Sent:** Tuesday, December 12, 2006 1:16 PM  
**To:** Haefele, Julie F.  
**Subject:** RE: Your letter

Yes, and I will be sure you get a copy.

---

**From:** Haefele, Julie F.  
**Sent:** Tuesday, December 12, 2006 1:04 PM  
**To:** Cumming, James  
**Subject:** Your letter

Hi Jim,

We received your certified letter on Saturday and the results today. Will a "formal report" of findings by issued by Mr. Bean?

Julie F. Haefele  
Principal Consumer Credit Examiner  
Maine Office of Consumer Credit Regulation  
35 State House Station  
Augusta, Maine 04333-0035  
207-624-8539 (ph)  
207-582-7699 (fax)  
Julie.F.Haefele@maine.gov

The oil stains on the trees were dry to the touch. They were not tacky, and no oil was transferred to my hand by simply touching the stain. Rubbing the stain would transfer the stain to my hand. Petroleum odor was not noticeable.

## **Objectives**

This sampling is intended to provide data on the persisting contamination that might affect the real value of the property in support of an appraisal of the property and determination of compensable damages.

Specific objectives are twofold.

- 1) Determine whether transferable petroleum residue persists on land or in the bottom sediments that might contaminated people or dogs using the area for recreation. That is, will those using the area come away with visible oil on them?
- 2) Document the locations and concentrations of regulated contaminant compounds (polynuclear aromatic hydrocarbons) in soil and sediment, and whether those soils or sediments require remediation.

## **Analytical Methods**

Samples of soil, lake-bottom sediment and lake water will be collected.

The diesel range organics (DRO) analysis will not be used for soils or sediments because of the method's poor discrimination between naturally occurring organic matter and the high-molecular weight hydrocarbons typical of weathered #6 fuel oil. Instead, soil and sediment samples will be analyzed for polynuclear aromatic hydrocarbon compounds (PAH) (EPA Method 8270C) that are characteristic of fuel oil, although they are not exclusive to fuel oil.

Water samples will be analyzed for DRO and PAH.

Up to four soil samples will be analyzed. Up to four sediment samples will be analyzed. Up to two water samples will be analyzed.

In addition to laboratory analyses, field observations of odor, appearance and textural character (stickiness, fluidness, dryness) and transferability will be used to evaluate and describe the characteristics of oil residues encountered during the investigation. Transferability will be evaluated by pressing a piece of filter paper against the oiled surface and describing the abundance and nature of the material transferred to the filter paper. Digital photographs of each oiled surface and the corresponding filter paper will record their appearances.

Investigation and Sampling Report  
Winthrop Commerce Center LUST Site  
Haeefele Damage Claim

Appendix D  
Sampling and Analysis Plan

Sampling And Analysis Plan  
 Haefele Property  
 Winthrop Commerce Center LUST Site (A-157-05)  
 October 3, 2006  
 John E. Beane, Ph.D., C.G., Senior Geologist

**Introduction and Background**

In April 2005, #6 fuel oil that had been trapped in the ground at the former Carlton Woolen Mill on Main Street in Winthrop seeped into Mill Stream in substantial quantities during the spring freshet. The oil was washed quickly down stream to Annabessacook Lake. The lake was partially covered with ice, so the oil only had access to the northern end of the lake that was ice-free. The shoreline of that northern portion of the lake was exposed to the floating heavy oil before cleanup workers were able to further restrict the oil through the effective use of booms. The water level of the lake was about three feet higher than normal lake level at the time of the oil discharge.

The Haefele property includes approximately 300 feet of shoreline along the northeastern shore of the lake. In April 2005, after the water level had dropped, the Haefele's dogs returned from the lake shore with some of the oil on them, and they transferred the contamination to the Haefele home. In July 2006, the Haefeles filed a third party damage claim for damages to their home and shoreline.

On August 25, 2006, Department staff inspected the shoreline and met with John Haefele at the site to discuss his understanding of the remaining damage to his shoreline property from the oil discharge. In addition to his perceived loss of use of the shoreline portion of the property during 2005 and 2006, Mr. Haefele expressed concern about remaining impairment of the property due to oil residues on the shoreline and in the bottom sediments of the lake. One specific concern was that someone swimming from his shoreline might disturb sunken oil that would then rise to the surface and expose the swimmer to the contamination. Another concern was that oil along the shoreline might still be fluid enough to adhere to his dogs, so he has refrained from exercising the dogs along the lake.

During the site visit I observed black oil stains that ringed tree trunks about three feet above the summertime lake level. Where the lakeshore bank was steep, these trees were right along the shoreline. Where the slope was flatter, the stains were fifteen feet or more from the shoreline. In the field it appeared that there was just one elevation on each tree that got oiled. That is consistent with the source being controlled by booming before the water level fell. If that is true, then the zone of potential soil contamination would be a contour line at that single elevation.





6-S0





Transfer Test – OS-9





SS-1





SS-1



SS-2







SS-3





SS-3





Transfer Test – OS-1





Oil stain on tree





Applying transfer test at OS-2





Oil stain (OS-2) on birch tree





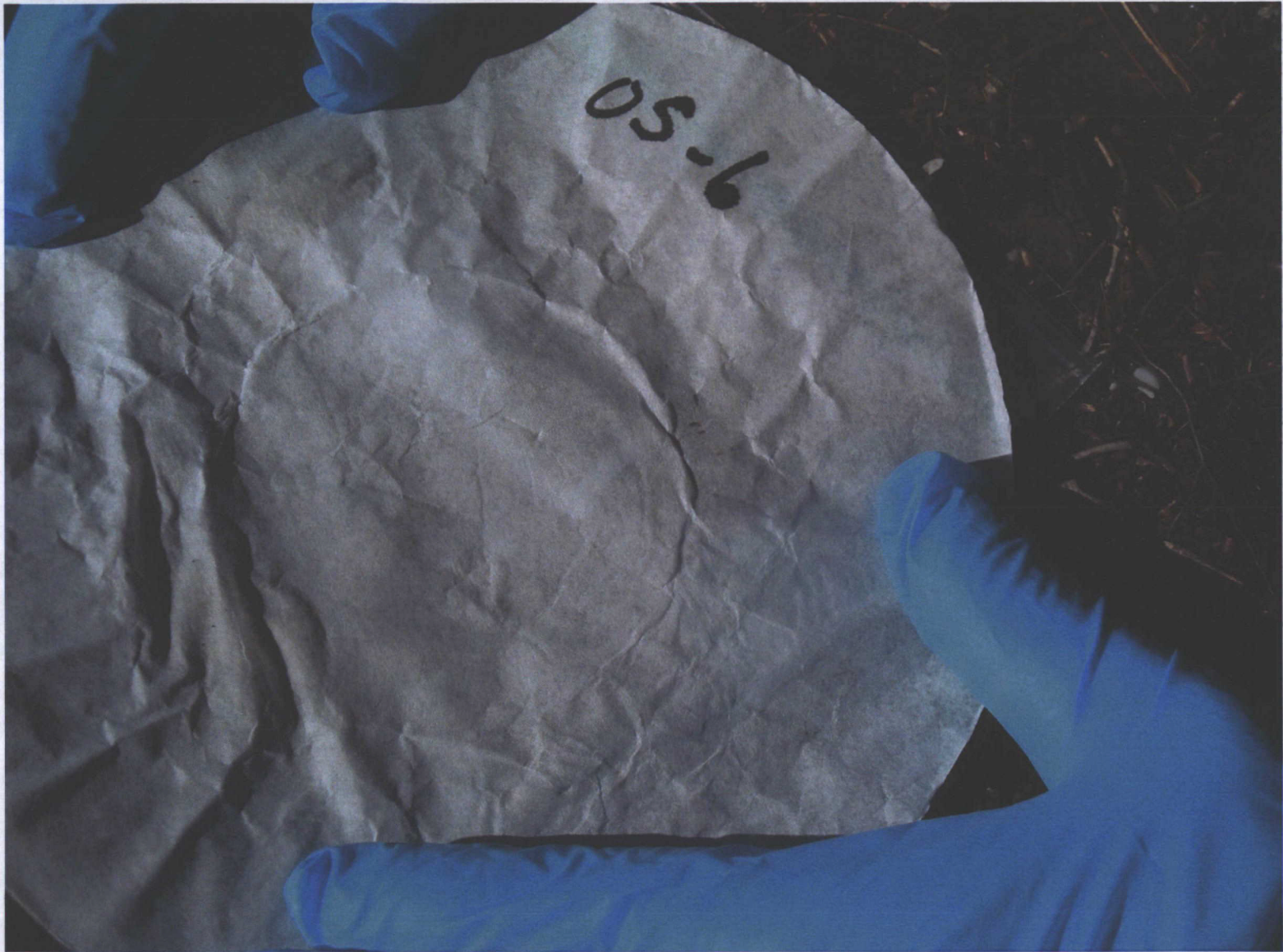
Oil stain (OS-2) on birch tree





Transfer Test – OS-2





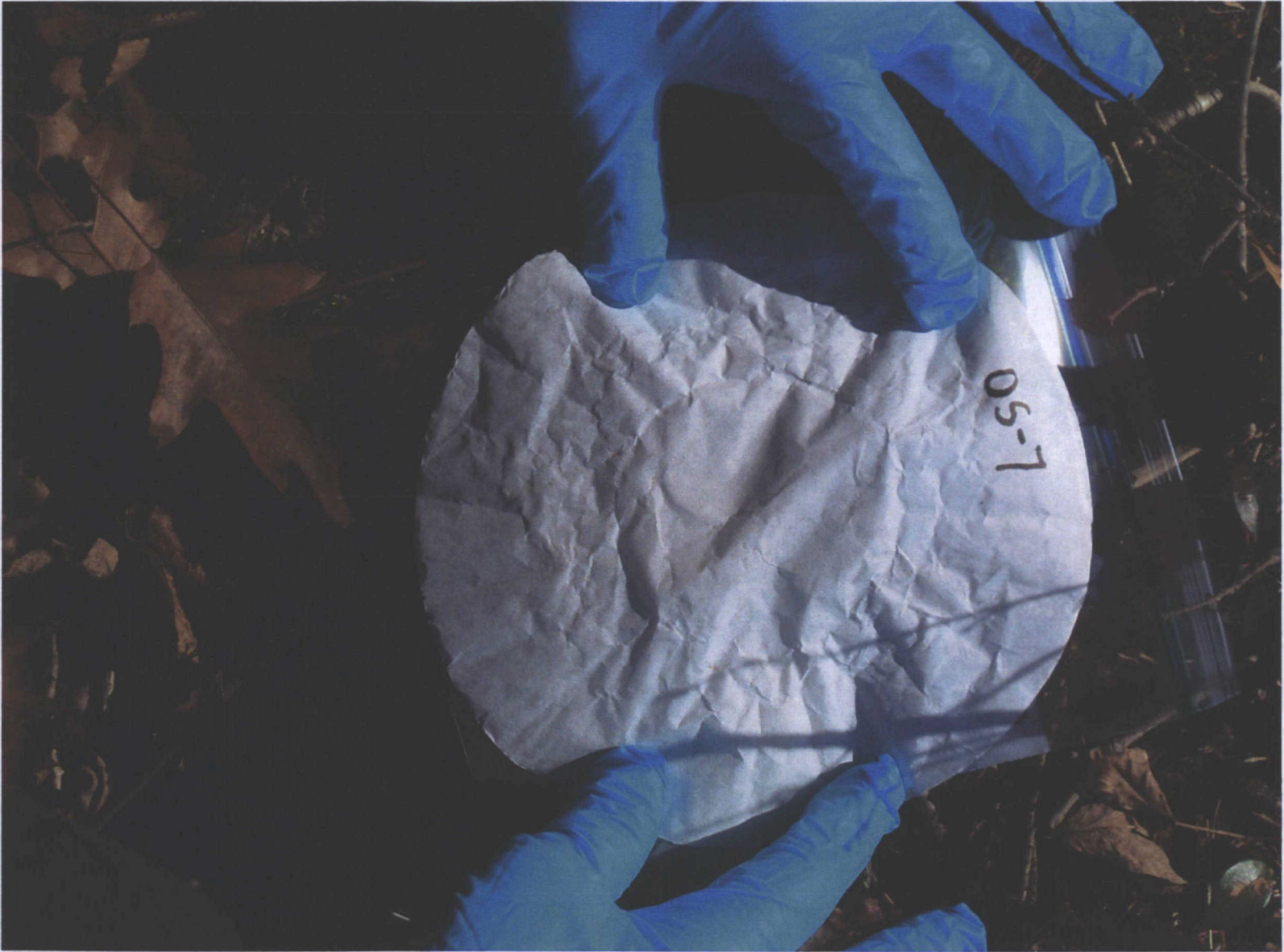
Transfer Test – OS-6





Location of OS-7





Transfer test at OS-7





Oil stain on tree





Oil stain (OS-11) on tree





Oil stain (OS-11) on tree





Oil stains at multiple levels on shoreline trees south of Haefele property





Oil stain on trees around SL-80. Note prominent single stain level at high water level.





Oil stain on trees at SL-80. Note evergreen needles adhering to oil. Oil is no longer tacky.





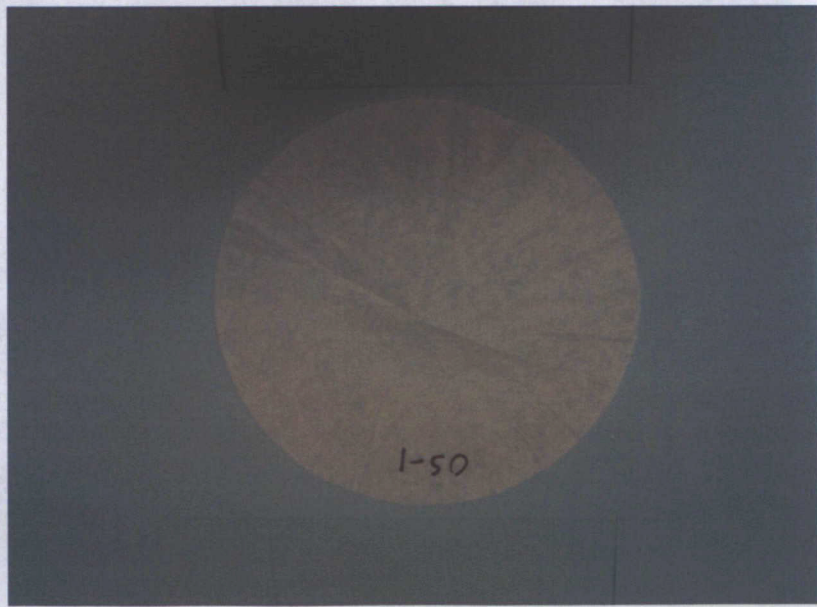
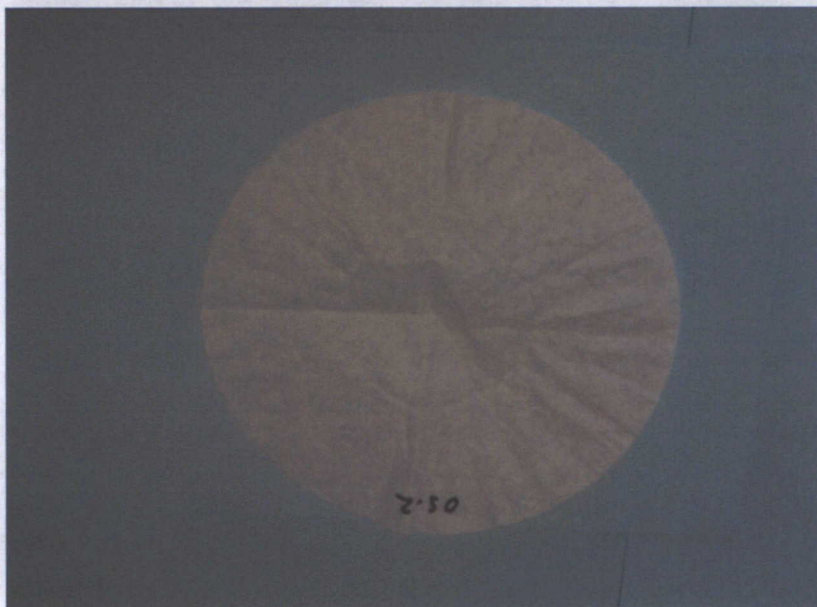
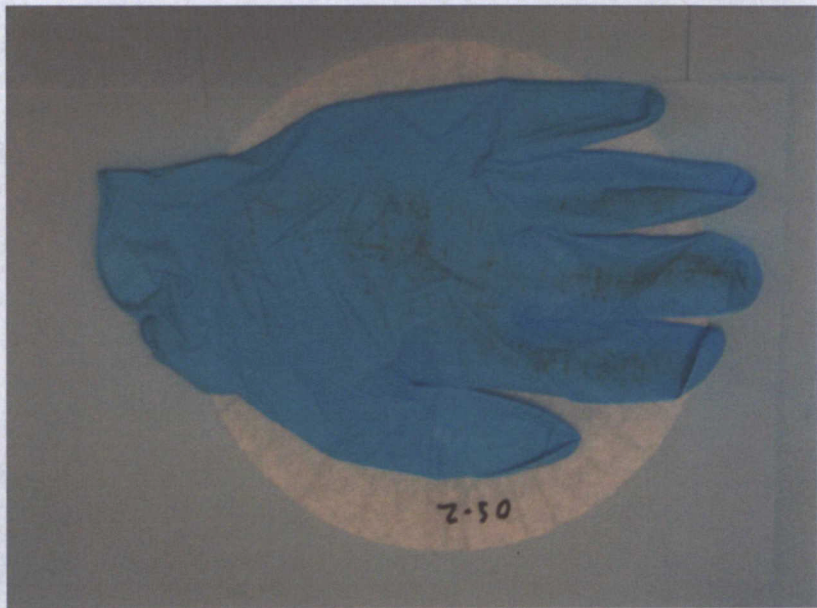
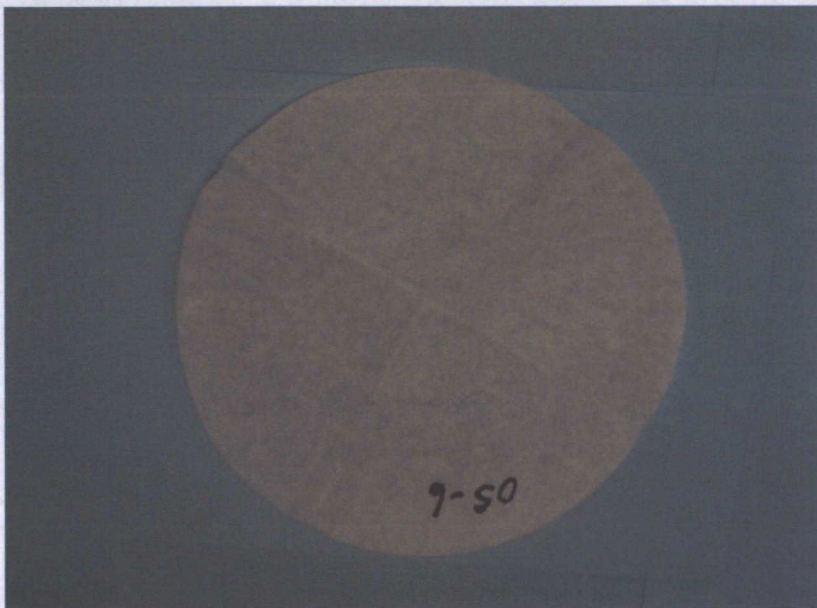
Large oil stains that dribbled after water level fell. Near SL-160.



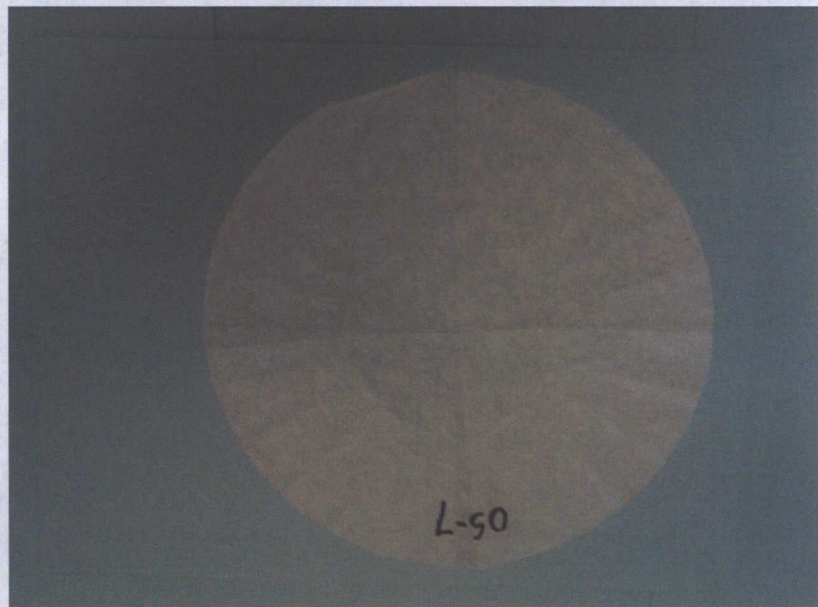
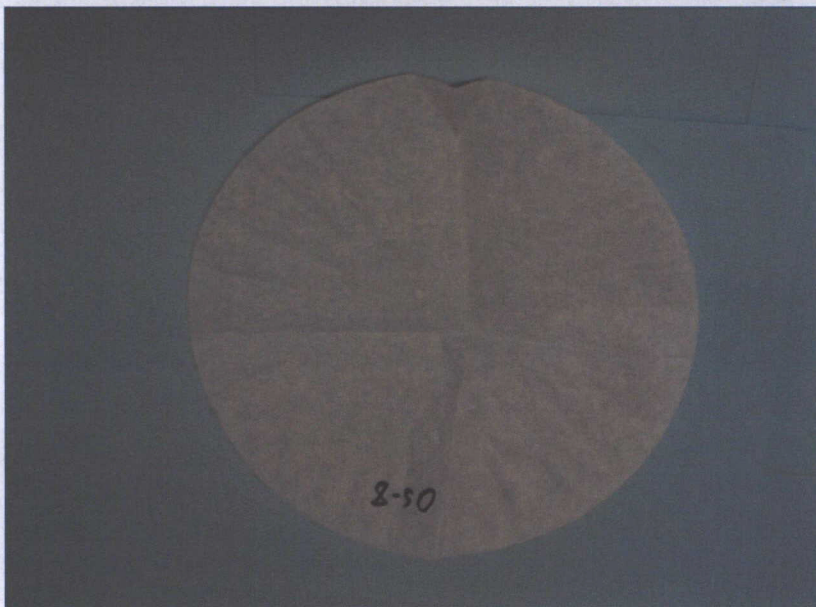
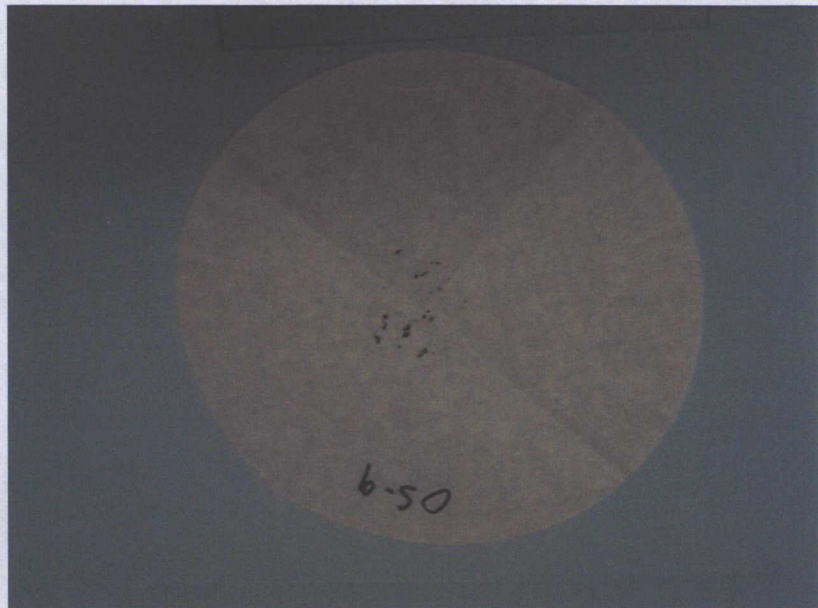
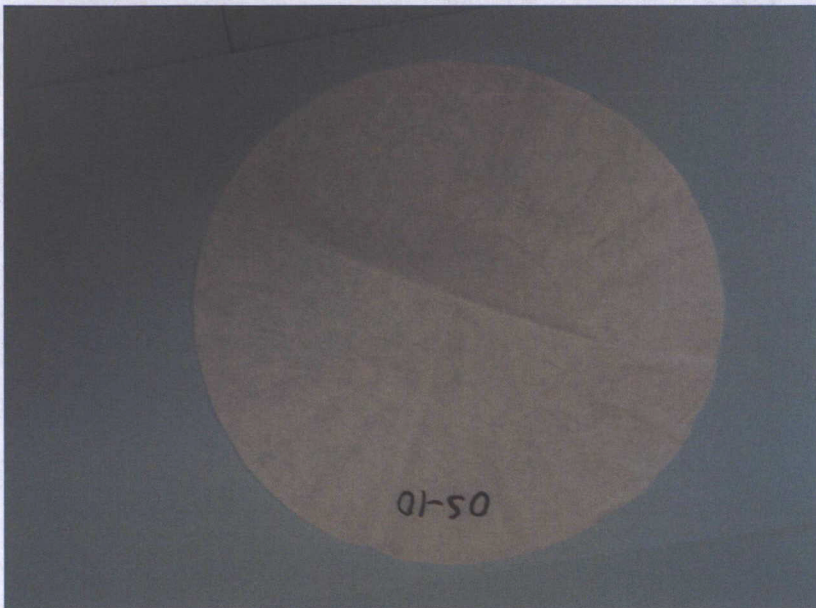
Investigation and Sampling Report  
Winthrop Commerce Center LUST Site  
Haeefele Damage Claim

Appendix C  
Photographs of transfer tests and oil-stained debris

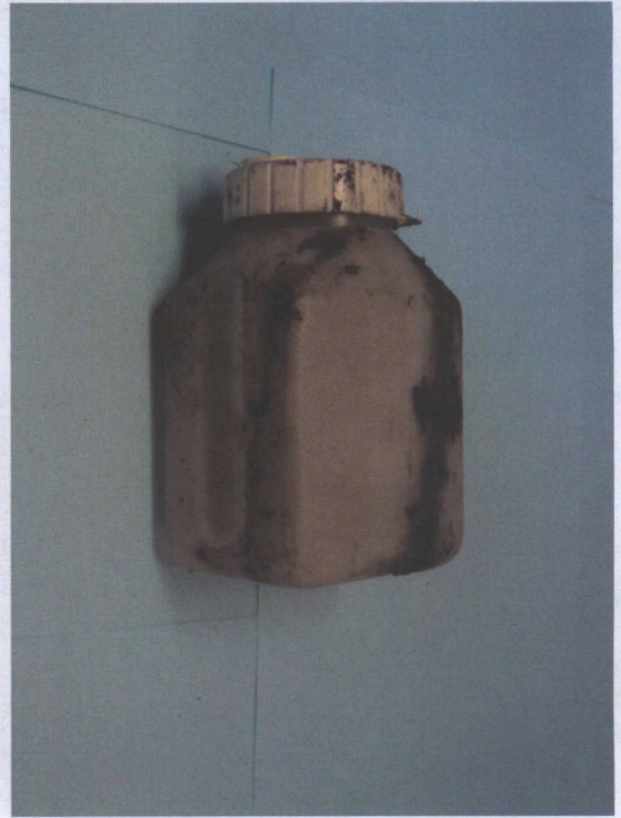
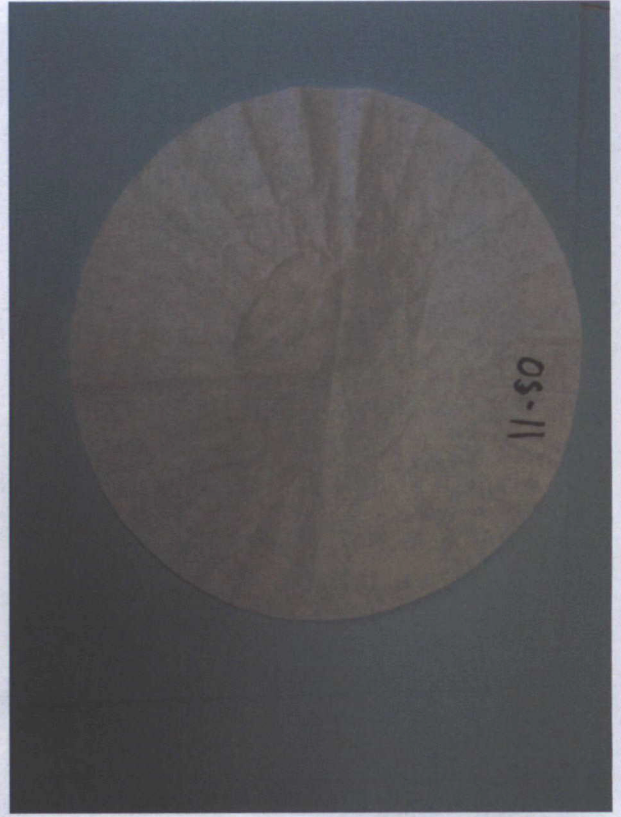


















STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

December 7, 2006

Certified No. 7003 1680 0000 0241 3177

Mr. and Mrs. John Haefele  
P.O. Box 99  
Winthrop, ME 04364

Re: Sample Results; DEP Spill #A-157-2005

Dear Mr. and Mrs. Haefele:

On December 6, 2006, I forwarded you the laboratory reports for the samples collected on or near your property on October 30 and 31, 2006. The information was intended to be sent via Certified Mail. I have since been informed that the Certified Mail card was separated from your mailing before it went out.

I apologize for any confusion this has caused. If you have not received my letter of December 6, 2006 with the laboratory results enclosed, please let me know at your earliest convenience.

If you need clarification, please contact me directly at (207) 287-7860.

Sincerely,

James S. Cumming  
Oil Remediation and Claims Unit  
Bureau of Remediation and Waste Management

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
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 04769-2094  
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

DAVID P. LITTELL

GOVERNOR

COMMISSIONER

December 6, 2006

Certified No. \_\_\_\_\_

Mr. and Mrs. John Haefele  
P.O. Box 99  
Winthrop, ME 04364

Re: Sample Results; DEP Spill #A-157-2005

Dear Mr. and Mrs. Haefele:

Enclosed are the laboratory reports for the samples collected on or near your property on October 30 and 31, 2006. The samples labeled SED are sediment samples from the lake bottom collected in less than 6 feet of water. Samples SL-120-2, SL-140-3, SL-140-4, SL-180-2, and SL-180-3 are water samples in which a visible sheen was captured after bottom sediments were disturbed. Sample OS-9 is a sample of twigs, leaves, and stems. Samples SS-1, SS-2, and SS-3 are soil samples from the shoreline area.

A report is in preparation that will include a map showing sample locations, documentation of field activities, and interpretation of laboratory analyses.

If you need clarification, please contact me directly at (207) 287-7860.

Sincerely,

James S. Cumming  
Oil Remediation and Claims Unit  
Bureau of Remediation and Waste Management

Enclosure

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

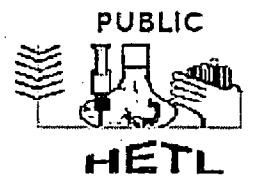
PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 760-3143





SL-100-SEQ. MAINE HEALTH AND ENVIRONMENTAL TESTING LABORATORY  
221 State Street, Station #12  
Department of Health and Human Services  
Augusta, Maine 04333  
Tel. No. 207-287-1716  
Fax. No. 207-287-6832



JOHN BEANE  
DEPT OF ENVIRONMENTAL PROTECTION  
17 SHS  
AUGUSTA ME 04333 Fax#:

Logged: 11/1/2006 11:55:00AM  
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Office Use Only:  
Summary  
DEPP.

Project Name: WINTHROP COMMERCE CENTER

Released: 11/20/2006

No. of Samples in Folder 13

Case #:

- B037283001, B037283002, B037283003
- B037283004, B037283005, B037283006
- B037283007, B037283008, B037283009
- B037283010, B037283011, B037283012
- B037283013

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**CERTIFICATION**

The HETL hereby certifies that all test results for this sample were analyzed by the method listed, including preservation, preparation, and holding times, unless otherwise indicated.

John A. Krueger, Director

Richard French, Quality Assurance Officer

If we can be of further assistance to you, Please Call us at 287-1716

Approved by:

Continued from Previous Page

HETL Sample Number: B037283001

HETL Sample Number: B037283001 Default

Description: SL-100-SED

Matrix: SOLID

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: 8270C

Analyst: JIM EATON

Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared 11/02/2006 Time Prepared 2:30 PM Amount Extracted Extraction pH Final Amount of Extract

Analyte	Result	Units	RL	MCL	Qualifiers
2-Methylnaphthalene	<100	ug/kg	100		
Acenaphthene	<100	ug/kg	100		
Acenaphthylene	340	ug/kg	100		Ach
Anthracene	250	ug/kg	100		Ach
Benzo(a)anthracene	790	ug/kg	100		Ach
Benzo(a)pyrene	1200	ug/kg	100		Ach
Benzo(b)fluoranthene	1800	ug/kg	100		Ach
Benzo(g,h,i)perylene	1000	ug/kg	500		Ach
Benzo(k)fluoranthene	570	ug/kg	100		Ach
Chrysene	1200	ug/kg	100		Ach
Dibenzo(a,h)anthracene	<500	ug/kg	500		
Fluoranthene	1900	ug/kg	100		Ach
Fluorene	<100	ug/kg	100		
Naphthalene	<100	ug/kg	100		
Phenanthrene	700	ug/kg	100		Ach
Pyrene	1500	ug/kg	100		Ach
2-Chloronaphthalene	5.0	ug/kg	100		J
Indeno(1,2,3-cd)pyrene	910	ug/kg	500		Ach

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	61.0			23	120	LoRec
2-Fluorobiphenyl	76.0			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	92.0			18	137	LoRec



*Continued from Previous Page*

HETL Sample Number: **B037283001**

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

The MCL, Maximum Contaminant Level is listed for comparing your results with recommended levels.

In the "Qualifier" column, an "\*" is placed to indicate any results that exceed this MCL.

**If there are no "\*" in the "Qualifier" column, your water is considered satisfactory for those tests.**

All solid results on a "Dry Weight" basis

NC = Not confirmed    NQ = Not Quantitated    NA = Not Analyzed    J = Approximately    U = Undetected    R = Rejected

RL-Reporting Limit, the lowest concentration which can be reliably reported on a routine basis

"<" = Less than    ">" = Greater than

**Note: Results below the advisory limit, including < and K are considered satisfactory for that parameter.**

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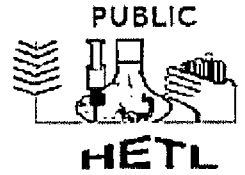
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10/31/06



**MAINE HEALTH AND ENVIRONMENTAL  
TESTING LABORATORY**

221 State Street, Station #12  
Department of Health and Human Services  
Augusta, Maine 04333  
Tel. No. 207-287-1716  
Fax. No. 207-287-6832



**JOHN BEANE**  
**DEPT OF ENVIRONMENTAL PROTECTION**  
17 SHS  
AUGUSTA ME 04333 Fax#:

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Project Name: WINTHROP COMMERCE CENTER

**Released:** 11/20/2006

No. of Samples in Folder 13

Case #:

- B037283001, B037283002, B037283003
- B037283004, B037283005, B037283006
- B037283007, B037283008, B037283009
- B037283010, B037283011, B037283012
- B037283013

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John A. Krueger, Director

Richard French, Quality Assurance Officer

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Approved by:



Continued from Previous Page

HETL Sample Number: B037283002

HETL Sample Number: B037283002 Default

Description: SL-120-SED

Matrix: SOLID

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: 8270C

Analyst JIM EATON

Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared Time Prepared Amount Extracted Extraction pH Final Amount of Extract

11/02/2006 2:30 PM

Analyte	Result	Units	RL	MCL	Qualifiers
2-Methylnaphthalene	<100	ug/kg	100		
Acenaphthene	<100	ug/kg	100		
Acenaphthylene	340	ug/kg	100		Ach
Anthracene	240	ug/kg	100		Ach
Benzo(a)anthracene	810	ug/kg	100		Ach
Benzo(a)pyrene	1200	ug/kg	100		Ach
Benzo(b)fluoranthene	1700	ug/kg	100		Ach
Benzo(g,h,i)perylene	950	ug/kg	500		Ach
Benzo(k)fluoranthene	590	ug/kg	100		Ach
Chrysene	1100	ug/kg	100		Ach
Dibenzo(a,h)anthracene	<500	ug/kg	500		
Fluoranthene	1800	ug/kg	100		Ach
Fluorene	<100	ug/kg	100		
Naphthalene	<100	ug/kg	100		
Phenanthrene	730	ug/kg	100		Ach
Pyrene	1500	ug/kg	100		Ach
2-Chloronaphthalene	<100	ug/kg	100		
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500		

Surrogate Analytes	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
(added as part of testing to verify performance)						
Nitrobenzene-d5	82.0			23	120	LoRec
2-Fluorobiphenyl	101			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	109			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283002**

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

The MCL, Maximum Contaminant Level is listed for comparing your results with recommended levels.

In the "Qualifier" column, an " \* " is placed to indicate any results that exceed this MCL.

**If there are no " \* " in the "Qualifier" column, your water is considered satisfactory for those tests.**

All solid results on a "Dry Weight" basis

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RL-Reporting Limit, the lowest concentration which can be reliably reported on a routine basis

"<" = Less than    ">" = Greater than

**Note: Results below the advisory limit, including < and K are considered satisfactory for that parameter.**

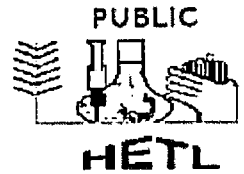
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 221 State Street, Station #12  
 Department of Health and Human Services  
 Augusta, Maine 04333  
 Tel. No. 207-287-1716  
 Fax. No. 207-287-6832



JOHN BEANE  
 DEPT OF ENVIRONMENTAL PROTECTION  
 17 SHS  
 AUGUSTA ME 04333 Fax#:

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  - B037283004, B037283005, B037283006
  - B037283007, B037283008, B037283009
  - B037283010, B037283011, B037283012
  - B037283013

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John A. Krueger, Director

Richard French, Quality Assurance Officer

If we can be of further assistance to you, Please Call us at 287-1716

Approved by:

Continued from Previous Page

HETL Sample Number: B037283003

HETL Sample Number: B037283003      Default      Description: SL-140-SED  
 Matrix: SOLID      Sample Point:  
 Sampler: JOHN BEANE      Sample Date: 10/31/2006      Time: 10:30:00  
 Method: 8270C      Analyst JIM EATON      Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
11/02/2006	2:30 PM					
Analyte	Result	Units	RL	MCL	Qualifiers	
2-Methylnaphthalene	<100	ug/kg	100			
Acenaphthene	<100	ug/kg	100			
Acenaphthylene	100	ug/kg	100		Ach	
Anthracene	110	ug/kg	100		Ach	
Benzo(a)anthracene	340	ug/kg	100		Ach	
Benzo(a)pyrene	480	ug/kg	100		Ach	
Benzo(b)fluoranthene	750	ug/kg	100		Ach	
Benzo(g,h,i)perylene	<500	ug/kg	500			
Benzo(k)fluoranthene	230	ug/kg	100		Ach	
Chrysene	470	ug/kg	100		Ach	
Dibenzo(a,h)anthracene	<500	ug/kg	500			
Fluoranthene	1200	ug/kg	100		Ach	
Fluorene	<100	ug/kg	100			
Naphthalene	<100	ug/kg	100			
Phenanthrene	340	ug/kg	100		Ach	
Pyrene	650	ug/kg	100		Ach	
2-Chloronaphthalene	<100	ug/kg	100			
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500			

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	74.0			23	120	LoRec
2-Fluorobiphenyl	89.0			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	97.0			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283003**



Continued from Previous Page

HETL Sample Number: B037283003

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

The MCL, Maximum Contaminant Level is listed for comparing your results with recommended levels.

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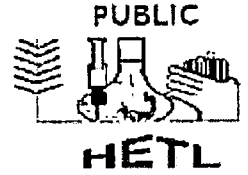


Winthrop Commerce Center  
A-157-05  
SL-180-SEO

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10/31/06

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221 State Street, Station #12  
Department of Health and Human Services  
Augusta, Maine 04333  
Tel. No. 207-287-1716  
Fax. No. 207-287-6832



**JOHN BEANE**  
**DEPT OF ENVIRONMENTAL PROTECTION**  
17 SHS  
AUGUSTA ME 04333      Fax#:

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- B037283001, B037283002, B037283003
- B037283004, B037283005, B037283006
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John A. Krueger, Director

Richard French, Quality Assurance Officer

If we can be of further assistance to you, Please Call us at 287-1716

Approved by:

Continued from Previous Page

HETL Sample Number: B037283004

HETL Sample Number: B037283004 Default Description: SL-180-SED  
 Matrix: SOLID Sample Point:  
 Sampler: JOHN BEANE Sample Date: 10/31/2006 Time: 10:30:00  
 Method: 8270C Analyst JIM EATON Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
11/02/2006	2:30 PM					
Analyte	Result	Units	RL	MCL	Qualifiers	
2-Methylnaphthalene	<100	ug/kg	100			
Acenaphthene	<100	ug/kg	100			
Acenaphthylene	<100	ug/kg	100			
Anthracene	140	ug/kg	100			Ach
Benzo(a)anthracene	440	ug/kg	100			Ach
Benzo(a)pyrene	460	ug/kg	100			Ach
Benzo(b)fluoranthene	680	ug/kg	100			Ach
Benzo(g,h,i)perylene	<500	ug/kg	500			
Benzo(k)fluoranthene	240	ug/kg	100			Ach
Chrysene	500	ug/kg	100			Ach
Dibenzo(a,h)anthracene	<500	ug/kg	500			
Fluoranthene	1100	ug/kg	100			Ach
Fluorene	600	ug/kg	100			Ach
Naphthalene	<100	ug/kg	100			
Phenanthrene	<100	ug/kg	100			
Pyrene	760	ug/kg	100			Ach
2-Chloronaphthalene	<100	ug/kg	100			
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500			

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	87.0			23	120	LoRec
2-Fluorobiphenyl	106			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	136			18	137	LoRec



*Continued from Previous Page*

HETL Sample Number: **B037283004**

Continued from Previous Page

HETL Sample Number: B037283004

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

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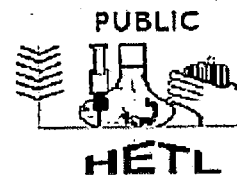
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SL-120-2

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10/31/06

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221 State Street, Station #12  
Department of Health and Human Services  
Augusta, Maine 04333  
Tel. No. 207-287-1716  
Fax. No. 207-287-6832



JOHN BEANE  
DEPT OF ENVIRONMENTAL PROTECTION  
17 SHS  
AUGUSTA ME 04333 Fax#:

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Project Name: WINTHROP COMMERCE CENTER

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- B037283001, B037283002, B037283003
- B037283004, B037283005, B037283006
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The HETL hereby certifies that all test results for this sample were analyzed by the method listed, including preservation, preparation, and holding times, unless otherwise indicated.

John A. Krueger, Director

Richard French, Quality Assurance Officer

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Approved by:

CC:



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HETL Sample Number: B037283005

HETL Sample Number: B037283005 Default

Description: SL-120-2

Matrix: NP-H20

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: 8270C

Analyst JIM EATON

Analysis Datetime: 11/03/2006

Preparation Method: 8270 Sep Fun Liq Liq

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
Analyte	Result	Units	RL	MCL	Qualifiers	
2-Methylnaphthalene	<1	ug/L	1.0			
Acenaphthene	<1	ug/L	1.0			
Acenaphthylene	<1	ug/L	1.0			
Anthracene	<1	ug/L	1.0			
Benzo(a)anthracene	<1	ug/L	1.0			
Benzo(a)pyrene	<1	ug/L	1.0			
Benzo(b)fluoranthene	<1	ug/L	1.0			
Benzo(g,h,i)perylene	<5	ug/L	5.0			
Benzo(k)fluoranthene	<1	ug/L	1.0			
Chrysene	<1	ug/L	1.0			
Dibenzo(a,h)anthracene	<5	ug/L	5.0			
Fluoranthene	<1	ug/L	1.0			
Fluorene	<1	ug/L	1.0			
Naphthalene	<1	ug/L	1.0			
Phenanthrene	<1	ug/L	1.0			
Pyrene	<1	ug/L	1.0			
2-Chloronaphthalene	<1	ug/L	1.0			
Indeno(1,2,3-cd)pyrene	<5	ug/L	5.0			

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	80.1			35	114	LoRec
2-Fluorobiphenyl	90.7			43	116	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	106			33	141	LoRec

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

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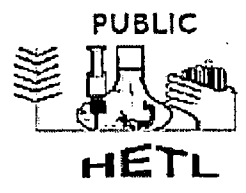


Winthrop Commerce Center  
A-157-05

SL-140-3

MAH 10/31/06

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221 State Street, Station #12  
Department of Health and Human Services  
Augusta, Maine 04333  
Tel. No. 207-287-1716  
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JOHN BEANE  
DEPT OF ENVIRONMENTAL PROTECTION  
17 SHS  
AUGUSTA ME 04333

Fax#:

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Project Name: WINTHROP COMMERCE CENTER

Released: 11/20/2006  
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No. of Samples in Folder 13

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- B037283004, B037283005, B037283006
- B037283007, B037283008, B037283009
- B037283010, B037283011, B037283012
- B037283013

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John A. Krueger, Director

Richard French, Quality Assurance Officer

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Approved by:



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HETL Sample Number: B037283006

HETL Sample Number: B037283006 Default  
 Matrix: NP-H20  
 Sampler: JOHN BEANE  
 Method: 8270C

Description: SL-140-3  
 Sample Point:  
 Sample Date: 10/31/2006 Time: 10:30:00  
 Analysis Datetime: 11/03/2006

Analyst JIM EATON

Preparation Method: 8270 Sep Fun Liq Liq

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
Analyte	Result	Units	RL	MCL	Qualifiers	
2-Methylnaphthalene	<1	ug/L	1.0			
Acenaphthene	<1	ug/L	1.0			
Acenaphthylene	<1	ug/L	1.0			
Anthracene	<1	ug/L	1.0			
Benzo(a)anthracene	<1	ug/L	1.0			
Benzo(a)pyrene	<1	ug/L	1.0			
Benzo(b)fluoranthene	<1	ug/L	1.0			
Benzo(g,h,i)perylene	<5	ug/L	5.0			
Benzo(k)fluoranthene	<1	ug/L	1.0			
Chrysene	<1	ug/L	1.0			
Dibenzo(a,h)anthracene	<5	ug/L	5.0			
Fluoranthene	<1	ug/L	1.0			
Fluorene	<1	ug/L	1.0			
Naphthalene	<1	ug/L	1.0			
Phenanthrene	<1	ug/L	1.0			
Pyrene	<1	ug/L	1.0			
2-Chloronaphthalene	<1	ug/L	1.0			
Indeno(1,2,3-cd)pyrene	<5	ug/L	5.0			

Surrogate Analytes	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
(added as part of testing to verify performance)						
Nitrobenzene-d5	75.2			35	114	LoRec
2-Fluorobiphenyl	82.2			43	116	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	104			33	141	LoRec

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

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**If there are no "\*" in the "Qualifier" column, your water is considered satisfactory for those tests.**

All solid results on a "Dry Weight" basis

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"<" = Less than    ">" = Greater than

**Note: Results below the advisory limit, including < and K are considered satisfactory for that parameter.**

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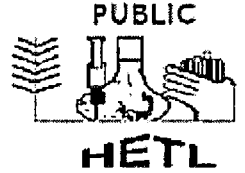
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SL-140-4

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DEPT OF ENVIRONMENTAL PROTECTION  
17 SHS  
AUGUSTA ME 04333 Fax#:

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- B037283004, B037283005, B037283006
- B037283007, B037283008, B037283009
- B037283010, B037283011, B037283012
- B037283013

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John A. Krueger, Director

Richard French, Quality Assurance Officer

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Continued from Previous Page

HETL Sample Number: B037283007

HETL Sample Number: B037283007 Default

Description: SL-140-4

Matrix: NP-H20

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: 8270C

Analyst JIM EATON

Analysis Datetime: 11/03/2006

Preparation Method: 8270 Sep Fun Liq Liq

Prepared by: JIM EATON

Date Prepared Time Prepared Amount Extracted Extraction pH Final Amount of Extract

Analyte	Result	Units	RL	MCL	Qualifiers
2-Methylnaphthalene	<1	ug/L	1.0		
Acenaphthene	<1	ug/L	1.0		
Acenaphthylene	<1	ug/L	1.0		
Anthracene	<1	ug/L	1.0		
Benzo(a)anthracene	<1	ug/L	1.0		
Benzo(a)pyrene	<1	ug/L	1.0		
Benzo(b)fluoranthene	<1	ug/L	1.0		
Benzo(g,h,i)perylene	<5	ug/L	5.0		
Benzo(k)fluoranthene	<1	ug/L	1.0		
Chrysene	<1	ug/L	1.0		
Dibenzo(a,h)anthracene	<5	ug/L	5.0		
Fluoranthene	<1	ug/L	1.0		
Fluorene	<1	ug/L	1.0		
Naphthalene	<1	ug/L	1.0		
Phenanthrene	<1	ug/L	1.0		
Pyrene	<1	ug/L	1.0		
2-Chloronaphthalene	<1	ug/L	1.0		
Indeno(1,2,3-cd)pyrene	<5	ug/L	5.0		

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	76.6			35	114	LoRec
2-Fluorobiphenyl	83.1			43	116	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	103			33	141	LoRec

Continued from Previous Page

HETL Sample Number: B037283007

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

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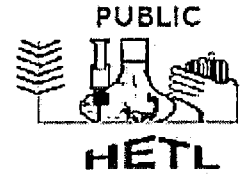
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SL-180-2

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10/31/06



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17 SHS  
AUGUSTA ME 04333 Fax#:

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- B037283013

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Richard French, Quality Assurance Officer

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HETL Sample Number: **B037283008**

HETL Sample Number: B037283008      Default      Description: SL-180-2  
 Matrix: NP-H20      Sample Point:  
 Sampler: JOHN BEANE      Sample Date: 10/31/2006      Time: 10:30:00  
 Method: 8270C      Analyst JIM EATON      Analysis Date/Time: 11/03/2006

Preparation Method: 8270 Sep Fun Liq Liq      Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
Analyte	Result	Units	RL	MCL	Qualifiers	
2-Methylnaphthalene	<1	ug/L	1.0			
Acenaphthene	<1	ug/L	1.0			
Acenaphthylene	<1	ug/L	1.0			
Anthracene	<1	ug/L	1.0			
Benzo(a)anthracene	<1	ug/L	1.0			
Benzo(a)pyrene	<1	ug/L	1.0			
Benzo(b)fluoranthene	<1	ug/L	1.0			
Benzo(g,h,i)perylene	<5	ug/L	5.0			
Benzo(k)fluoranthene	<1	ug/L	1.0			
Chrysene	<1	ug/L	1.0			
Dibenzo(a,h)anthracene	<5	ug/L	5.0			
Fluoranthene	<1	ug/L	1.0			
Fluorene	<1	ug/L	1.0			
Naphthalene	<1	ug/L	1.0			
Phenanthrene	<1	ug/L	1.0			
Pyrene	<1	ug/L	1.0			
2-Chloronaphthalene	<1	ug/L	1.0			
Indeno(1,2,3-cd)pyrene	<5	ug/L	5.0			

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	78.2			35	114	LoRec
2-Fluorobiphenyl	86.4			43	116	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	118			33	141	LoRec

Continued from Previous Page

HETL Sample Number: B037283008

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

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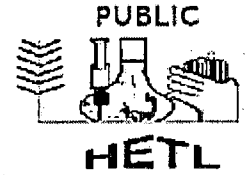
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SL-180-3

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10/31/06

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**DEPT OF ENVIRONMENTAL PROTECTION**  
 17 SHS  
 AUGUSTA ME 04333      Fax#:

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Richard French, Quality Assurance Officer

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Continued from Previous Page

HETL Sample Number: **B037283009**

HETL Sample Number: B037283009 Default

Description: SL-180-3

Matrix: NP-H20

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/31/2006

Time: 10:30:00

Method: ME 4.1.25

Analyst: JOHN MARTHA

Analysis Datetime: 11/03/2006

Preparation Method: DRO Sep Fun Liq Liq

Prepared by: JOHN MARTHA

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
11/01/2006	12:00	980 ml	<2	1.0 ml		
Analyte	Result	Units	RL	MCL	Qualifiers	
DRO	<50	ug/L	50	50		
Surrogate Analytes	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
<i>(added as part of testing to verify performance)</i>						
o-terphenyl	20.7	20.0	103.5	50	150	

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

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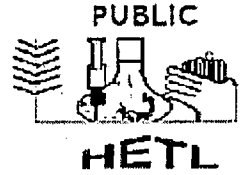


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A-157-05

PHIT 10/31/06

OS-9

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Department of Health and Human Services  
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Richard French, Quality Assurance Officer

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Continued from Previous Page

HETL Sample Number: B037283010

HETL Sample Number: B037283010 Default

Description: OS-9

Matrix: SOLID

Sample Point:

Sampler: JOHN BEANE

Sample Date: 10/30/2006

Time: 11:12:00

Method: 8270C

Analyst JIM EATON

Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared 11/02/2006 Time Prepared 2:30 PM Amount Extracted Extraction pH Final Amount of Extract

Analyte	Result	Units	RL	MCL	Qualifiers
2-Methylnaphthalene	<100	ug/kg	100		
Acenaphthene	170	ug/kg	100		Ach
Acenaphthylene	380	ug/kg	100		Ach
Anthracene	420	ug/kg	100		Ach
Benzo(a)anthracene	910	ug/kg	100		Ach
Benzo(a)pyrene	1200	ug/kg	100		Ach
Benzo(b)fluoranthene	330	ug/kg	100		Ach
Benzo(g,h,i)perylene	<500	ug/kg	500		
Benzo(k)fluoranthene	380	ug/kg	100		Ach
Chrysene	2000	ug/kg	100		Ach
Dibenzo(a,h)anthracene	<500	ug/kg	500		
Fluoranthene	1600	ug/kg	100		Ach
Fluorene	260	ug/kg	100		Ach
Naphthalene	<100	ug/kg	100		
Phenanthrene	590	ug/kg	100		Ach
Pyrene	2300	ug/kg	100		Ach
2-Chloronaphthalene	<100	ug/kg	100		
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500		

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	87.0			23	120	LoRec
2-Fluorobiphenyl	91.0			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	177			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283010**

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

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"NTU" = Nephelometric Turbidity Units;

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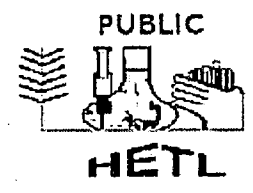
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17 SHS  
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Richard French, Quality Assurance Officer

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IETL Sample Number: **B037283011**

HETL Sample Number: B037283011      Default      Description:SS-1  
 Matrix: **SOLID**      Sample Point:  
 Sampler: JOHN BEANE      Sample Date:10/30/2006      Time: 11:40:00  
 Method: 8270C      Analyst **JIM EATON**      Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet      Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
11/02/2006	2:30 PM					
Analyte	Result	Units	RL	MCL	Qualifiers	
2-Methylnaphthalene	<100	ug/kg	100			
Acenaphthene	<100	ug/kg	100			
Acenaphthylene	<100	ug/kg	100			
Anthracene	150	ug/kg	100		Ach	
Benzo(a)anthracene	480	ug/kg	100		Ach	
Benzo(a)pyrene	980	ug/kg	100		Ach	
Benzo(b)fluoranthene	610	ug/kg	100		Ach	
Benzo(g,h,i)perylene	<500	ug/kg	500			
Benzo(k)fluoranthene	790	ug/kg	100		Ach	
Chrysene	1300	ug/kg	100		Ach	
Dibenzo(a,h)anthracene	<500	ug/kg	500			
Fluoranthene	1000	ug/kg	100		Ach	
Fluorene	<100	ug/kg	100			
Naphthalene	<100	ug/kg	100			
Phenanthrene	210	ug/kg	100		Ach	
Pyrene	1300	ug/kg	100		Ach	
2-Chloronaphthalene	<100	ug/kg	100			
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500			

Surrogate Analytes	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
<small>(added as part of testing to verify performance)</small>						
Nitrobenzene-d5	94.0			23	120	LoRec
2-Fluorobiphenyl	112			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	120			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283011**



## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

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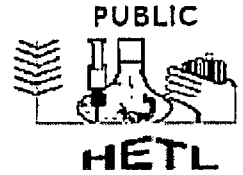
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A-157-05

SS-2

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17 SHS
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Richard French, Quality Assurance Officer

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HETL Sample Number: **B037283012**

HETL Sample Number: B037283012      Default      Description:SS-2  
 Matrix: **SOLID**      Sample Point:  
 Sampler: JOHN BEANE      Sample Date:10/30/2006      Time:11:50:00  
 Method: 8270C      Analyst **JIM EATON**      Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet      Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
11/02/2006	2:30 PM					
Analyte	Result	Units	RL	MCL	Qualifiers	
2-Methylnaphthalene	<100	ug/kg	100			
Acenaphthene	<100	ug/kg	100			
Acenaphthylene	<100	ug/kg	100			
Anthracene	<100	ug/kg	100			
Benzo(a)anthracene	<100	ug/kg	100			
Benzo(a)pyrene	<100	ug/kg	100			
Benzo(b)fluoranthene	<100	ug/kg	100			
Benzo(g,h,i)perylene	<500	ug/kg	500			
Benzo(k)fluoranthene	<100	ug/kg	100			
Chrysene	<100	ug/kg	100			
Dibenzo(a,h)anthracene	<500	ug/kg	500			
Fluoranthene	120	ug/kg	100			Ach
Fluorene	<100	ug/kg	100			
Naphthalene	<100	ug/kg	100			
Phenanthrene	<100	ug/kg	100			
Pyrene	<100	ug/kg	100			
2-Chloronaphthalene	<100	ug/kg	100			
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500			

Surrogate Analytes (added as part of testing to verify performance)	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
Nitrobenzene-d5	65.0			23	120	LoRec
2-Fluorobiphenyl	79.0			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	94.0			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283012**



Continued from Previous Page

HETL Sample Number: B037283012

## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

The MCL, Maximum Contaminant Level is listed for comparing your results with recommended levels. In the "Qualifier" column, an "\*" is placed to indicate any results that exceed this MCL.

**If there are no "\*" in the "Qualifier" column, your water is considered satisfactory for those tests.**

All solid results on a "Dry Weight" basis

NC = Not confirmed    NQ = Not Quantitated    NA = Not Analyzed    J = Approximately    U = Undetected    R = Rejected

RL-Reporting Limit, the lowest concentration which can be reliably reported on a routine basis

"<" = Less than    ">" = Greater than

**Note: Results below the advisory limit, including < and K are considered satisfactory for that parameter.**

## Disclaimer

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Winthrop Commerce Center MAH

A-157-05

SS-3

MAINE HEALTH AND ENVIRONMENTAL TESTING LABORATORY

221 State Street, Station #12

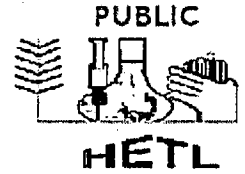
Department of Health and Human Services

Augusta, Maine 04333

Tel. No. 207-287-1716

Fax. No. 207-287-6832

10/31/06



JOHN BEANE  
DEPT OF ENVIRONMENTAL PROTECTION  
17 SHS  
AUGUSTA ME 04333 Fax#:

Logged: 11/1/2006 11:55:00AM  
Folder/ Invoice # B037283

Office Use Only:  
Summary  
DEPP

Project Name: WINTHROP COMMERCE CENTER

Released: 11/20/2006

No. of Samples in Folder 13

Case #:

- B037283001, B037283002, B037283003
- B037283004, B037283005, B037283006
- B037283007, B037283008, B037283009
- B037283010, B037283011, B037283012
- B037283013

COPY

CERTIFICATION

The HETL hereby certifies that all test results for this sample were analyzed by the method listed, including preservation, preparation, and holding times, unless otherwise indicated.

John A. Krueger, Director

Richard French, Quality Assurance Officer

If we can be of further assistance to you, Please Call us at 287-1716

Approved by:

Continued from Previous Page

HETL Sample Number: **B037283013**

HETL Sample Number: B037283013 Default

Description:SS-3

Matrix: **SOLID**

Sample Point:

Sampler: JOHN BEANE

Sample Date:10/30/2006

Time:12:06:00

Method: 8270C

Analyst **JIM EATON**

Analysis Datetime: 11/06/2006

Preparation Method: 8270 Soxhlet

Prepared by: JIM EATON

Date Prepared	Time Prepared	Amount Extracted	Extraction pH	Final Amount of Extract		
11/02/2006	2:30 PM					
Analyte	Result	Units	RL	MCL	Qualifiers	
2-Methylnaphthalene	<100	ug/kg	100			
Acenaphthene	<100	ug/kg	100			
Acenaphthylene	<100	ug/kg	100			
Anthracene	<100	ug/kg	100			
Benzo(a)anthracene	210	ug/kg	100		Ach	
Benzo(a)pyrene	350	ug/kg	100		Ach	
Benzo(b)fluoranthene	390	ug/kg	100		Ach	
Benzo(g,h,i)perylene	<500	ug/kg	500			
Benzo(k)fluoranthene	370	ug/kg	100		Ach	
Chrysene	350	ug/kg	100		Ach	
Dibenzo(a,h)anthracene	<500	ug/kg	500			
Fluoranthene	700	ug/kg	100		Ach	
Fluorene	<100	ug/kg	100			
Naphthalene	<100	ug/kg	100			
Phenanthrene	370	ug/kg	100		Ach	
Pyrene	460	ug/kg	100		Ach	
2-Chloronaphthalene	5.0	ug/kg	100		J	
Indeno(1,2,3-cd)pyrene	<500	ug/kg	500			

Surrogate Analytes	Result	Amount	% Rec	Low % Rec	High % Rec	Qualifiers
(added as part of testing to verify performance)						
Nitrobenzene-d5	92.0			23	120	LoRec
2-Fluorobiphenyl	114			30	115	LoRec
2-Fluorophenol	0.00			25	121	LoRec
Phenol-d5	0.00			24	113	LoRec
2,4,6-Tribromophenol	0.00			19	122	LoRec
2-Fluoroaniline	0.00			0	100	
Terphenyl-d14	124			18	137	LoRec

*Continued from Previous Page*

HETL Sample Number: **B037283013**



## Units & Measurement

"mg/L" = Milligrams per liter;

"ug/L" = Micrograms per Liter;

"mg/Kg" = Milligrams per Kilogram;

"ug/Kg" = Micrograms per Kilogram;

"PPM" = Parts per Million;

"NTU" = Nephelometric Turbidity Units;

The MCL, Maximum Contaminant Level is listed for comparing your results with recommended levels. In the "Qualifier" column, an "\*" is placed to indicate any results that exceed this MCL.

**If there are no "\*" in the "Qualifier" column, your water is considered satisfactory for those tests.**

All solid results on a "Dry Weight" basis

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**Note: Results below the advisory limit, including < and K are considered satisfactory for that parameter.**

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State of Maine  
Health and Environmental Testing Lab

221 State Street Station #12  
Phone (207) 287-2727

Augusta, ME 04333-0012  
Fax (207) 287-4525

Chain - of - Custody

B037283

COPY

Sample Date: 10/31/06  
Town/County: Winthrop/Kennebec  
Project Name: Winthrop Commerce Center

Company: <u>Maine DEP</u>	Appropriation/PO# <u>014 06A 1517-442</u>	Compliance sample <u>Y1D</u>
Contact: <u>John E. Beane</u>	Bill To: <u>John Beane MDEP</u>	Copy To:
Address: <u>SHS #17</u>	Address: <u>SHS #17</u>	Address:
Phone: <u>287-7635</u> Fax:	Phone: Fax:	Phone: Fax:
e-Mail address:	e-Mail address:	e-Mail address:

Sample ID	Sample time	Preservation	Container vol	Container type	Quantity	Grab or Composite	Matrix:	Ground Water	Waste Water	Drinking Water	Solids	Other	Analyses Required	HETL Number
SL-100-SEO		-			1	G	S						PAHS 808270C	B037283-001
SL-120-SEO					1	G								002
SL-140-SEO					1	G								003
SL-180-SEO					1	G								004
SL-120-2		No IL	50		1	G	Surface water						PAHW 8270C	005
SL-140-3														006
SL-140-4														007
SL-180-2														008
SL-180-3													DROW	009

Notes: Expected contaminant #6 Fuel oil. Water samples are lake water with oily sheen.

Sampled By: <u>John E. Beane</u>	Date/Time: <u>11/1/06</u>	Received By: <u>D. J. [Signature]</u>	Date/Time: <u>10/31/06 11:44:05 AM</u>
Relinquished By:	Date/Time:	Received By:	Date/Time:
Relinquished By:	Date/Time:	Received By:	Date/Time:
Rush (Yes or No)	Fax Results (Yes or No)	Custody seal intact (Yes or No)	Temperature on Arrival <u>4/</u> °C

If the sample is deemed hazardous it may be returned to the client at your expense for proper disposal  
By signing this Chain-of-Custody you agree that the limit of The HETL's liability to be the cost of the analytical fees in question  
rev 5/17/05

State of Maine  
Health and Environmental Testing Lab

221 State Street Station #12  
Phone (207) 287-2727

Augusta, ME 04333-0012  
Fax (207) 287-4525

Chain - of - Custody

B037283

**COPY**

Sample Date: 10/30/06  
Town/County: Winthrop/Kennebec  
Project Name: Winthrop Commerce Center

Company: <u>Maine DEP</u>					Appropriation/PO# <u>014 OCA 1517 442</u>					Compliance sample <u>Y/N</u>				
Contact: <u>John E. Beane</u>					Bill To: <u>John Beane</u>					Copy To:				
Address: <u>SHS #17</u>					Address:					Address				
Phone: <u>287-7635</u> Fax:					Phone: Fax:					Phone: Fax:				
e-Mail address:					e-Mail address:					e-Mail address				
Sample ID	Sample time	Preservation	Container vol	Container type	Quantity	Grab or Composite	Matrix:	Ground Water	Waste Water	Drinking Water	Solids	Other	Analyses Required	HETL Number
OS-9	11:12	Nc			1	G	S.S.						PAHS - 8270C	B037283-016
SS-1	11:40				1	G								011
SS-2	11:50				1	G								012
SS-3	12:06				1	G								013

Notes:

Sampled By <u>John E. Beane</u>	Date/Time <u>11/1/06</u>	Received By <u>Scott Jordan</u>	Date/Time <u>11/1/06 11:44:03</u>
Relinquished By	Date/Time	Received By	Date/Time
Relinquished By	Date/Time	Received By	Date/Time
Rush (Yes or No)	Fax Results (Yes or No)	Custody seal intact (Yes or No)	Temperature on Arrival <u>4</u> °C

If the sample is deemed hazardous it may be returned to the client at your expense for proper disposal  
By signing this Chain-of-Custody you agree that the limit of The HETL's liability to be the cost of the analytical fees in question

## Cumming, James

---

**From:** Cumming, James  
**Sent:** Tuesday, December 05, 2006 9:58 AM  
**To:** Beane, John E  
**Subject:** RE: Test results

Thanks, John. I took a look at the results. I would like to discuss them with you before I forward them to the Haefeles. Please let me know when you have a few minutes.

---

**From:** Beane, John E  
**Sent:** Monday, December 04, 2006 3:45 PM  
**To:** Cumming, James  
**Subject:** RE: Test results

Hi Jim,

I have copied the results and they are available for the Haefeles. I have written a couple of paragraphs that you may choose to include in the cover letter. I will be working on the report this week (among other projects).

The results are in your mailbox. I've kept file copies.

John

Enclosed are the laboratory reports for the samples collected on and near your property on October 30 and 31, 2006. The samples labeled SED are sediment samples from the lake bottom collected in less than six feet of water. Samples SL-120-2, SL-140-3, SL-140-4, SL-180-2 and SL-180-3 are water samples in which visible sheen was captured. Sample OS-9 is a sample of twigs, leaves and stems that were cemented together by heavy oil. Samples SS-1, SS-2 and SS-3 are soil samples.

A report is in preparation that will include a map showing sample locations, documentation of field activities and interpretation of the laboratory analyses.

---

**From:** Cumming, James  
**Sent:** Monday, December 04, 2006 3:29 PM  
**To:** Beane, John E  
**Subject:** FW: Test results

Hi, John. As an update, Mrs. Haefele contacted me regarding the sample results for their property. See below. Please get me a cc when the results come in so I can forward the Haefeles a copy. Thanks!

---

**From:** Cumming, James  
**Sent:** Friday, December 01, 2006 8:27 AM  
**To:** Haefele, Julie F.  
**Subject:** RE: Test results

On November 28<sup>th</sup>, I checked with the DEP Geologist on the status of the results. We should have the results themselves in a week or so, and I will send you a copy. The Geologist's report on the results will take 30-60 days.

---

**From:** Haefele, Julie F.  
**Sent:** Thursday, November 30, 2006 12:28 PM  
**To:** Cumming, James  
**Subject:** Test results

Jim,



I haven't heard from you so I thought I'd check to see if the test results from the soil sample have come back?

Julie F. Haefele

# Implementation of Remedial Action Guidelines

## I. Introduction

One of the more perplexing issues in the remediation of contaminated sites continues to be the determination of "How clean is clean?" Regulators, legislators, potentially responsible parties, developers of contaminated property, and the public are caught in the dilemma of balancing risks and costs. The Maine Department of Environmental Protection (DEP) has been charged with the task of ensuring that the threats posed by hazardous substance sites are abated, cleaned up or mitigated properly. The purpose of this document and the companion Technical Basis and Background for Soil Remedial Action Guidelines Based on Direct Contact (Basis Statement) is to present chemical specific guidelines which may assist in making remedial decisions at hazardous substance sites.

The attached Table 4 presents the guidelines. Chemicals are listed by name and CAS number to ensure the correct identification. Direct Contact guidelines are presented for 3 exposure scenarios: residential, trespasser and adult worker. The default exposure factors for each scenario are described in the Basis Statement. Both the trespasser and the adult worker guidelines are for non-residential exposures. Depending on the contaminant, there may be significant differences, and guidelines protective of one of these populations may not be protective of the other.

Groundwater Guidelines are final Soil Screening Levels (SSLs) prepared by the Environmental Protection Agency and released in 1996. A brief technical summary is available. While DEP recognizes the SSLs are highly conservative, it considers these generic SSLs protective and technically defensible. Furthermore, the SSLs are intended as a default option for use when site specific values are not available. The DEP encourages development of less conservative site specific remedial guidelines using sound investigation and risk assessment techniques. The DEP is adopting these groundwater SSLs as interim guidance and intends to further assess compound specific values for future modification. The technical summary describes data gaps which must be addressed in order to derive less stringent but equally protective groundwater guidelines.

## II. Definitions

Anthropogenic: Originating from the actions of people. Associated with the actions of people as distinct from occurring naturally.

Cancer Potency Factor: The Cancer Potency Factor (CPF) describes the slope of the dose-response curve as extrapolated mathematically from high doses in animals to low doses in humans, usually using the linearized multi-stage model. The CPF has units of risk per unit dose, expressed as  $(\text{mg}/(\text{kg} \cdot \text{day}))^{-1}$ . Since the CPF describes the slope of the dose-response curve, a larger CPF implies a more potent carcinogen.

Contaminant: For the purpose of this guidance, contaminant shall have the same meaning as hazardous substance.

Hazard Index: For chronic non-carcinogenic effects the Hazard Index is estimated as the Average Daily Dose for the chronic exposure period divided by the chronic Reference Dose. For the purpose of these guidelines, the DEP requires that the Hazard Index be 1 or less.

Hazardous Substance:

- A. Any substance identified by the Board of Environmental Protection under section 1319-O;
- B. Any substance identified by the Board of Environmental Protection under section 1319;
- C. Any substance designated pursuant to the United States Comprehensive Environmental Response, Compensation and Liability Act of 1980, Public Law 96-510, Sections 101 and 102 (Superfund);
- D. Any toxic pollutant listed under the United States Federal Water Pollution Control Act, Section 307(a);

- E. Any hazardous air pollutant listed under the United States Clean Air Act, Section 112;
- F. Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action pursuant to the United States Toxic Substances Control Act, Section 7; and
- G. Waste oil as defined in section 1303-C.

**Incremental Lifetime Cancer Risk:** The incremental probability of an individual developing cancer over a lifetime as a result of exposure to a chemical.

**Institutional Control:** A measure to control exposure to contaminants at sites where the remedial action will not meet a residential standard. Institutional controls require a legal mechanism to ensure notification and maintenance of the controls, and to provide a trigger for additional review should the conditions at the site change. Examples of institutional controls include, erection and maintenance of a fence to restrict access, a prohibition on the taking of groundwater, limiting site use to industrial activities, or a requirement that a cap/cover system be maintained. A declaration of covenant running with the land is an example of a legal mechanism.

**Neat Material:** Liquid or solid hazardous substances which occur in a pure or nearly pure form and which may or may not be in a container. Neat material is distinct from dissolved contamination.

**Public Drinking Water Supply:** Any well or other source of water that furnishes water to the public for human consumption for at least 15 service connections, or regularly serves at least 25 individuals daily at least 60 days out of the year, or that supplies bottled water for sale.

**Reference Dose (RfD):** An estimate of the daily exposure to the human population that is likely to be without deleterious effects during a lifetime. Reported in units of mg of substance/kg body weight/day for oral exposures, or mg of substance/m<sup>3</sup> of air breathed for inhalation exposures.

**Wellhead Protection Area:** The surface and subsurface area surrounding a water well or well field, supplying a public drinking water system through which contaminants are reasonably likely to move toward and reach such water well or well field.

### **III. Eligibility - When Table 4 Guidelines Are Appropriate**

#### **A. Minimal Actions Required**

The objective of hazardous substance cleanups conducted by, or on behalf of, the Department is to remove threats to human health and the environment posed by the release of hazardous substances. If the threat cannot be removed, it must be mitigated to the extent determined by the Department. The following minimum actions must be taken: 1) threats to public safety (such as the threat of explosions) must be removed, 2) containerized hazardous substances must be removed, and 3) neat materials must be recovered. The Department must consider taking action under the following circumstances and, while not required in all circumstances, prefers removal of the subject substance: 1) substances presenting a nuisance, and 2) substances at levels exceeding regulatory/guidance levels.

#### **B. Ceilings**

The Guidance establishes ceiling levels for certain compounds at 1% (10,000 ppm). The Department believes that some upper level of soil contamination should be removed at all sites even though calculated risks from the direct contact pathway are expected to be acceptable. In support of this position is concern that a public safety risk from explosive vapors or public nuisance created by fugitive vapors may be more likely where contaminant concentrations exceed 1%. The Department recognizes that the explosive hazard and odor nuisance factors are variable. The ceiling level is intended to be used as a benchmark. If the concentration of the contaminant of concern (COC) is equal to or less than 10,000 ppm, there is no threat (as defined by this policy) and the COC can be dropped from further consideration. If the COC exceeds 10,000 ppm, additional work must be performed to characterize the nature of any threat posed by the COC.

### C. Risk To Ecological Receptors

If the Department believes that hazardous substances in soils pose significant risk to ecological receptors it may require an ecological assessment before considering the Table 4 guidelines applicable to the site.

### D. Background Contamination

If site contaminants are substances which might occur naturally at the site, the contamination levels must exceed background before action is required. If contaminants are not generally expected to be naturally occurring in Maine, their presence at any level requires action.

### F. Institutional Controls

The Department accepts the use of institutional controls on a case by case basis. At a minimum the following conditions must be met:

1. Notice provisions must provide adequate notification of the institutional control(s) to future owners of the property and/or operators at the site. The notice shall include the condition(s) imposed by the institutional controls and clearly define the party responsible for maintaining the institutional control.
2. Required oversight and maintenance of any institutional control must be enforceable.

Institutional controls where a single authority has control over the land use and/or groundwater is preferred. This can mean property ownership, regulatory permitting, and control of the facilities needed to use the land or groundwater.

Institutional controls can be used in the case of an industrial/commercial remedial action where the remedial action objective does not require meeting a residential standard. The institutional control must provide adequate protection to prevent the site from being developed as a residential area without additional remedial action.

Institutional controls shall be structured in such as fashion that they remain protective for the life of the selected remedy.

## IV. How to Use Table 4 Numbers

### A. Table 4 Numbers are Remedial Action Guidelines

The Table 4 Direct Contact Guidelines should not be used as screening levels.

Remedial action guidelines which are protective of human health by direct exposure do not necessarily prevent continued degradation of groundwater resources. Leaching of these compounds may result in increased concentrations of the compounds in the groundwater and plume spreading.

The Table 4 Guidelines are default remedial action guidelines. A site specific risk assessment, conducted in accordance with Maine's Guidance Manual for Human Health Risk Assessment may be conducted to support site specific remediation levels.

### B. Applicability of Groundwater Protection Remedial Action Guidelines

Maine law requires that all groundwater be free of anthropogenic contamination in order to protect drinking water supplies and ecological resources. Therefore, the Department will generally require that unlicensed discharges of hazardous substances be remediated to levels that will not create, increase or maintain groundwater pollution. The default soil remedial action guidelines for groundwater protection are based on soil screening levels (SSLs) published in the Soil Screening Guidance: Users Guide by the USEPA (1996). When there is sufficient site data, scientifically based, verifiable standards protective of groundwater may be calculated on a site specific basis



(examples include various leaching models, use of SPLP (synthetic precipitation leaching procedure) or TCLP (toxicity characteristic leaching procedure)).

1. The Department may allow exemptions to the policy that cleanup standards be protective of groundwater on a case by case basis when the following situations are clearly documented:

- a. The existence of groundwater contamination will not have any present or future adverse impact on human health, water supplies or ecological resources; or,
- b. Where passive or active measures, including permanent, enforceable institutional controls, are taken to permanently mitigate or eliminate current and future threats to human health and the environment; or,
- c. It is not technically and/or economically feasible to clean up discharges and mitigative measures as in B can be applied.

2. The following represent situations where the Department may allow exemptions. The Department may allow the establishment of alternative cleanup standards.

- a. Remediation to standards protective of groundwater is technically impracticable.
- b. The underlying geology will prevent contaminant migration to or in groundwater.
- c. The area is served by public water and:
  1. No potential or existing water supply sources are located in the contaminant source or potential groundwater plume areas; and
  2. On site groundwater extraction will be controlled by institutional controls approved by the Department.
- d. Groundwater is non-potable due to the presence of prior contamination. The non-potability must be caused by a responsible party not in the chain of title of, or formerly involved in a business relationship on, the subject site.

3. The following are examples of situations where the Department is not likely to approve alternate standards:

- a. The area of the contaminant source and potential groundwater contamination plume is not served by public water.
- b. The area of the contaminant source and potential groundwater contamination plume are over or upgradient of a sand and gravel aquifer or high yield bedrock aquifer or a recharge zone for either one.
- c. Prior to the discharge, the area of the contaminant source and potential groundwater contamination plume was known to be clean.
- d. The area of the contaminant source and potential groundwater contamination plume are within any wellhead protection area.
- e. Where discharge of contaminated groundwater to the ground surface or surface water causes or may cause a violation of surface water quality standards, adversely impacts ecological resources, or otherwise adversely impacts human health and safety standards.
- f. The area of the contaminant source and potential groundwater contamination plume are within a sole source aquifer.

### C. Multiple Contaminants

In order to attain the acceptable level of total site risk of Hazard Index of 1 or less and Incremental Lifetime Cancer Risk of 10<sup>-5</sup> or less, the soil guidelines shall be adjusted as follows:

#### 1. Method 1

For each carcinogenic contaminant of concern, the generic guideline shall be divided by the total number of contaminants at the site. For each noncarcinogenic contaminant of concern, the generic guideline shall be divided by the total number of noncarcinogenic contaminants at the site. A site specific risk assessment may be conducted in lieu of this procedure.

#### 2. Method 2

The sum of the ratios of final site contaminant concentrations to chemical specific cleanup guidelines must be less than or equal to 1.

$$\frac{\text{Final cleanup guideline (a)}}{\text{Generic guideline (a)}} + \frac{\text{Final cleanup guideline (b)}}{\text{Generic guideline (b)}} + \dots + \frac{\text{Final cleanup guideline (n)}}{\text{Generic guideline (n)}} \leq 1$$

where a, b and n are site contaminants

### V. Policy and Intent

It is the policy of the Department to prevent degradation of the environment by establishing licensing limits based on criteria more stringent than remedial action criteria. In keeping with this policy, the maximum incremental lifetime cancer risk at contaminated sites shall be one in one hundred thousand (10<sup>-5</sup>) and a maximum total site hazard index of one.

### VI. Technical Notes

#### A. Reference to Basis Statement(s)

The Direct Contact Guidelines were derived based on the Guidance Manual for Human Health Risk Assessment at Hazardous Substance Sites (Manual) finalized by DEP and the Department of Human Services (DHS) in June of 1994. A document entitled Technical Basis and Background for Soil Cleanup Guidelines Based on Direct Contact is available from DEP on request. This document describes the calculations and default exposure assumptions used to develop the guidelines.

The Groundwater Guidelines are final Soil Screening Levels (SSLs) prepared by EPA and released in 1996. The SSL Fact Sheet, User's Guide and Technical Background Document are available from EPA. A brief technical summary is available from DEP.

#### B. Notes on Residential and Non Residential Lead Guidelines

The residential direct contact standard for lead was established by DHS. DEP has consulted with DHS regarding acceptable nonresidential guidelines.

#### C. Note on PCB Numbers

DEP has requested DHS review of the dermal risk posed by PCB. Guidelines derived following the procedures outlined in the Manual are below levels accepted by DHS in the past. In lieu of a site specific risk assessment, the PCB levels in Table-4 should be considered default remedial action guidelines until DEP and DHS complete their review.

**Table 4 - Remedial Action Guidelines for Contaminated Soils**

CHEMICAL	CAS Number	Residential Guideline (mg/kg)	Trespasser Guideline (mg/kg)	Adult Worker Guideline (mg/kg)	Basis	Groundwater Guideline (mg/kg)	Basis
1,1,1-Trichloroethane	71-55-6	260	1840	350	Inhalation, NC	2	SSL
1,1-Dichloroethane	75-34-3	645	4520	860	Inhalation, NC, Ceiling	23	SSL
1,1-Dichloroethene	75-35-4	0.2	3	0.3	Inhalation, C	0.06	SSL
1,1,1,2-Tetrachloroethane	630-20-6	660	2400	2140	Ingestion, C		
1,1,2-Trichloroethane	79-0-5	3	70	7	Inhalation, C	0.02	SSL
1,2-Dichlorobenzene	95-50-1	2670	10000	3560	Inhalation, NC, Ceiling	17	SSL
1,2-Dichloroethylene (trans)	156-60-5	135	940	180	Inhalation, NC	0.7	SSI
1,2,4-Trichlorobenzene	120-82-1	540	3800	720	Inhalation, NC	5	SSL
2,4-Dichlorophenol	120-83-2	16	112	22	Inhalation, NC	1	SSL
2,4,5-T	93-76-5	1900	10000	10000	Ingestion, NC, Ceiling		
2,4,5-TP	95-95-4	10000	10000	10000	Ceiling	270	SSL
Acetone	67-64-1	475	3330	635	Inhalation, NC	16	SSL
Alachlor	15972-60-8	210	780	700	Ingestion, C		
Aroclor 1016	12674-11-2	0.1	0.2	0.4	Dermal, C		
Arsenic	7440-38-2	10	30	30	Ingestion, C	29	SSL
Atrazine	1912-24-9	6650	10000	10000	Ingestion, NC, Ceiling		
Barium	7440-39-3	10000	10000	10000	Ceiling	1600	SSL
Benzene	71-43-2	5	105	10	Inhalation, C	0.03	SSL
Benzo(a)pyrene (cPAH)	50-32-8	2	9	7	Ingestion, C	8	SSL
Beryllium	7440-41-7	4	15	10	Ingestion, C	63	SSL
Bis(2-ethylhexyl) phthalate	117-81-7	1220	4460	3970	Ingestion, C	3600	SSL
Cadmium	7440-43-9	27	35	23	Dermal, NC	8	SSL
Chlordane	57-74-9	9	50	20	Inhalation & ingestion, C & NC	10	SSL
Chlorobenzene	108-90-7	310	2180	415	Inhalation, NC	1	SSL
Chromium (+6)	18540-29-9	950	5350	10000	Ingestion, NC, Ceiling	38	SSL
Copper	7440-50-8	650	600	600	New Jersey		
Cyanide	57-12-5	3800	10000	10000	Ingestion, NC, Ceiling	40	SSL
DDT	50-29-3	50	180	160	Ingestion, C	32	SSL
Dieldrin	60-57-1	0.3	4	0.6	Inhalation & Ingestion, C	0.004	SSL
Dinoseb	88-85-7	5	35	7	Inhalation, NC		
Endosulfan	115-29-7	17	120	22	Inhalation, NC	18	SSL
Endrin	72-20-8	60	320	80	Inhalation & Ingestion, NC	1	SSL
Ethylbenzene	100-41-4	1670	10000	2210	Inhalation, NC, Ceiling	13	SSL
Heptachlor	76-44-8	4	14	12	Ingestion, C	23	SSL
Lead	7439-92-1	375	700	700	DHS, Ceiling		

Malathion	121-75-5	3800	10000	10000	Ingestion, NC, Ceiling	.	.
Mercury	7439-97-6	60	320	610	Ingestion, NC	2	SSL
Methyl Ethyl Ketone	78-93-3	10000	10000	10000	Ceiling	.	.
Methylene Chloride	75-9-2	13	275	28	Inhalation, C	0.02	SSL
Molybdenum	7439-98-7	950	5350	10000	Ingestion, NC	.	.
Napthalene(PAH)	91-20-3	245	1710	325	Inhalation, NC	84	SSL
Nickel	7440-2-0	3800	10000	10000	Ingestion, NC	130	SSL
Parathion	56-38-2	1140	6420	10000	Ingestion, NC	.	.
PCBs	1336-36-3	2.2	8.1	7.2	Ingestion, C	.	.
Pentachlorophenol	87-86-5	1	21	2	Inhalation, C	0.03	SSL
Selenium	7782-49-2	950	5350	10000	Ingestion, NC	5	SSL
Silver	7440-22-4	950	5350	10000	Ingestion, NC, Ceiling	34	SSL
Tetrachloroethylene	127-18-4	3	65	7	Inhalation, C	0.06	SSL
Thimet (Phorate)	298-2-2	40	210	400	Ingestion, NC	.	.
Toluene	108-88-3	2390	10000	3190	Inhalation, NC, Ceiling	12	SSL
Trichloroethene	79-1-6	19	400	40	Inhalation, C	0.06	SSL
Vinyl Chloride	75-1-4	0.04	0.8	0.1	Inhalation, C	0.01	SSL
Xylene	1330-20-7	10000	10000	10000	Ceiling	190	SSL
Zinc	7440-66-6	1500	1500	1500	New Jersey	12000	SSL
TOP							
Updated May 20, 1997							

**Key:**

**C--Carcinogen**

**NC--Non carcinogen**

**DHS--Maine Department of Human Services, recommended guideline**

**New Jersey--New Jersey Department of Environmental Protection and Energy, 1992 Proposed Rule Cleanup Standards for Contaminated Sites, NJAC 7:26D**

**SSL--US Environmental Protection Agency, Soil Screening Guidance, May 1996**



Winthrop Commerce Center LUST Site  
 Haefele Damage Claim  
 Analytical results from October 2006 Sampling

Sample	Date	Matrix	DRO	2-Methylna phthalene	Acenaph thene	Acenaph thylene	Anthra cene	Benzo(a) anthracene	Benzo(a) pyrene	Benzo(b) fluoranthene	Benzo(g,h,i) perylene	Ben fluora
SL-100-SED	10/31/06	Sediment	NA	<100	<100	340	250	790	1200	1800	1000	
SL-120-SED	10/31/06	Sediment	NA	<100	<100	340	240	810	1200	1700	950	
SL-140-SED	10/31/06	Sediment	NA	<100	<100	100	110	340	480	750	<500	
SL-180-SED	10/31/06	Sediment	NA	<100	<100	<100	140	440	460	680	<500	
SL-120-2	10/31/06	Water	NA	<1	<1	<1	<1	<1	<1	<1	<5	
SL-140-3	10/31/06	Water	NA	<1	<1	<1	<1	<1	<1	<1	<5	
SL-140-4	10/31/06	Water	NA	<1	<1	<1	<1	<1	<1	<1	<5	
SL-180-2	10/31/06	Water	NA	<1	<1	<1	<1	<1	<1	<1	<5	
SL-180-3	10/31/06	Water	<50	NA	NA	NA	NA	NA	NA	NA	NA	
OS-9	10/31/06	Soil	NA	<100	170	380	420	910	1200	330	<500	
SS-1	10/31/06	Soil	NA	<100	<100	<100	150	480	980	610	<500	
SS-2	10/31/06	Soil	NA	<100	<100	<100	<100	<100	<100	<100	<500	
SS-3	10/31/06	Soil	NA	<100	<100	<100	<100	210	350	390	<500	

All concentrations in micrograms per kilogram.

Benzo(a)pyrene toxicity equivalency factor (milligrams per kilogram)

OS-9	1.9
SS-1	1.6
SS-2	0.67
SS-3	0.96

**Cumming, James**

**From:** Cumming, James  
**Sent:** Tuesday, October 31, 2006 3:52 PM  
**To:** Haefele, Julie F.  
**Subject:** RE: Winthrop sampling

Yes.

**From:** Haefele, Julie F.  
**Sent:** Tuesday, October 31, 2006 3:45 PM  
**To:** Cumming, James  
**Subject:** RE: Winthrop sampling

Can I assume you'll send them to us then?

**From:** Cumming, James  
**Sent:** Tuesday, October 31, 2006 3:44 PM  
**To:** Haefele, Julie F.  
**Subject:** RE: Winthrop sampling

I see no problem with you getting a copy of the results.

**From:** Haefele, Julie F.  
**Sent:** Tuesday, October 31, 2006 3:43 PM  
**To:** Cumming, James  
**Subject:** RE: Winthrop sampling

Will the findings be sent to us?

**From:** Cumming, James  
**Sent:** Tuesday, October 31, 2006 3:41 PM  
**To:** Haefele, Julie F.  
**Subject:** RE: Winthrop sampling

Field staff estimates 1 month.

**From:** Haefele, Julie F.  
**Sent:** Tuesday, October 31, 2006 3:37 PM  
**To:** Cumming, James  
**Subject:** RE: Winthrop sampling

Thank you. When can we expect the results?

11/20/06 SPURK W/ JUAN  
BEARE. HE SAYS HE  
SAWS HAVE SAMPLE  
RESULTS IN A FEW  
DAYS. HE WILL GET  
ME WITH HE SAYS  
THAT BUTTER SAMPLES  
YIELD SAME WITH  
SISTERS, BUT IT IS

TOO SLIGHT TO  
SAMPLE!  
IT WILL TAKE  
ONLY 30-60 DAY  
TO PARAGRAHE IN  
WRITTEN INTERP.  
OF SAMPLE

WILL LIKELY RECOMMEND  
SAMPLING OF H. PARAGRAHE  
RESULTS AT CONTROL

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**From:** Cumming, James  
**Sent:** Tuesday, October 31, 2006 3:35 PM  
**To:** Haefele, Julie F.  
**Subject:** RE: Winthrop sampling

The sampling activities at your property were completed today.

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**From:** Haefele, Julie F.  
**Sent:** Monday, October 30, 2006 1:16 PM  
**To:** Cumming, James  
**Subject:** RE: Winthrop sampling

Thank you Jim.

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**From:** Cumming, James  
**Sent:** Monday, October 30, 2006 1:12 PM  
**To:** Haefele, Julie F.  
**Subject:** FW: Winthrop sampling

Per Mr. Haefele's request on Saturday, 10/28/06, below is an update on sampling activities at your property.

---

**From:** Cumming, James  
**Sent:** Monday, October 30, 2006 10:07 AM  
**To:** Beane, John E  
**Subject:** RE: Winthrop sampling

Thanks, John. I'll brief Mark Hyland and Scott Whittier on the status.

Jim

---

**From:** Beane, John E  
**Sent:** Monday, October 30, 2006 8:39 AM  
**To:** Cumming, James  
**Subject:** Winthrop sampling

Hi Jim,

The plan for today is to go out and do the soil sampling. The continuing wind would make the sediment sampling difficult. The forecast for tomorrow is "light and variable winds", so we will try to get the sediment sampling done then.

John E. Beane, C.G., Senior Geologist  
Maine Department of Environmental Protection  
Bureau of Remediation and Waste Management  
Division of Technical Services  
(207) 287-7635

October 31, 2006

Mr. John Haefele  
PO Box 99  
Winthrop, Maine 04364

Dear Mr. Haefele:

Thank you for your letter of October 18, 2006 regarding petroleum spills into Mill Stream from the Winthrop Commerce Center and damages to your property resulting from the spill. I have reviewed your letter with Mark Hyland, the Acting Bureau Director for Remediation and Waste Management. You state in your letter that you have had "months of frustration" and that it has been an "uphill battle with DEP" on your third party damage claim but when I review the information you and DEP provided it seems that you received the claim application from DEP in September of 2005 but did not submit a claim until July of 2006. I'm not sure I understand why you expected DEP to settle your claim without submitting the claim and supporting information to document the damages you are seeking to recover.

DEP seems to have been responsive to your requests for assistance, as the department hired ServPro to do the initial cleaning of your house and offered to have them return when you expressed additional problems a year later. DEP staff met numerous times with you and had contractor's clean parts of the shoreline in an attempt to mitigate any damages. DEP has offered to hire an appraiser to determine your losses, something that is usually left to the landowner to provide. In addition, DEP staff has been working with you, as recently as this past Monday, to sample soils and sediment on your property to assist the appraisers' evaluation. I hope you will continue to work with Jim Cumming and John Beane as they evaluate your property so that your claim for damages can be fully processed.

On the separate issue of the Winthrop Commerce Center eligibility for Fund coverage for clean-up, DEP made the decision to allow coverage because Carlton Woolen Mills reported oil spills on a number of occasions and a source could not immediately be found. When the most recent spill occurred DEP investigated the site and traced the discharge to an underground tank in the same location that was the subject of an earlier report of an oil discharge. After investigation of the release in 2005, the DEP determined the frequent, heavy

I  
Evidently  
made it  
Kokou  
and it  
can't  
be done  
Kokou for  
APPROVAL



rainfall combined with a voluminous snow melt and a broken water main resulted in the release of oil that had been trapped behind a retaining wall and under a concrete floor for years. The earlier reports (1990) of the discharge ~~was made~~ <sup>were</sup> when the tank was owned and operated by the former owners long before the property was sold at auction. The current ownership had never operated the abandoned tank. Because there was a record of a spill report from the mill and a DEP investigation from an earlier time and the 2005 release was traced to the same area, the Department believed it was appropriate to determine the applicant eligible for the coverage of eligible clean up costs. Had the source of the earlier oil release reports been identified as the underground oil tank at that time, the clean up costs were eligible for coverage and there was insufficient statutory basis for making a decision to deny coverage of the site.

DEP staff have viewed the pictures you provided of your property and will include the CD you sent to the file. DEP staff are eager to assist you with your third party damage claim and I hope you will work with them to complete the process.

Sincerely,

Richard Davies

**Cumming, James**

---

**From:** Cumming, James  
**Sent:** Monday, October 30, 2006 10:07 AM  
**To:** Beane, John E  
**Subject:** RE: Winthrop sampling

Thanks, John. I'll brief Mark Hyland and Scott Whittier on the status.

Jim

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**Sent:** Monday, October 30, 2006 8:39 AM  
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**Subject:** Winthrop sampling

Hi Jim,

The plan for today is to go out and do the soil sampling. The continuing wind would make the sediment sampling difficult. The forecast for tomorrow is "light and variable winds", so we will try to get the sediment sampling done then.

John E. Beane, C.G., Senior Geologist  
Maine Department of Environmental Protection  
Bureau of Remediation and Waste Management  
Division of Technical Services  
(207) 287-7635

**Cumming, James**

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**From:** Cumming, James

**Sent:** Monday, October 30, 2006 10:21 AM

**To:** Whittier, Scott; Hyland, Mark

**Subject:** HAEFELE SAMPLING

After an hour or so of mob/demob on Saturday, the planned sampling was cancelled due to the severe storm. Mr. Haeefele was quite confrontational in the phone call to advise him of the cancellation. John Beane and Sean Dougherty are out there sampling today. The water side sampling may have to wait till tomorrow due to the continued high winds today.

10/30/2006

October 18, 2006

①

Governor Baldacci  
#1 State House Station  
Augusta, Maine 04333-0017

Re: Oil Spill at Mill Stream, Winthrop Commerce Center & Dept of Environmental Protection - Spill # A-157-2005

Dear Governor Baldacci:

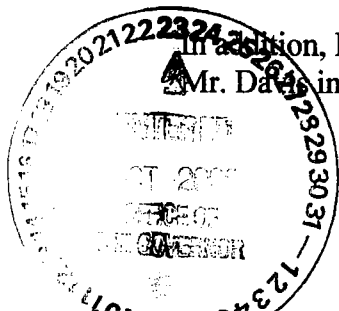
I am writing to you in hopes that you can assist me in resolving a matter with the Department of Environmental Protection (DEP). On April 9, 2005, I reported the oil spill that occurred in Winthrop from the Winthrop Commerce Center (WCC), formally known as the Carlton Woolen Mill (CWM).

It is with regret that I have to write this letter however, I feel it's important for you to be aware of this situation and hope that your office can assist me in resolving this matter.

Since the day of the spill, I have had an uphill battle with DEP and feel that I have had to continuously jump through hoops to get assistance from DEP in settling our third party damage claim. I am the victim in this situation and everyone else involved has been taken care of financially except for me.

In August 2005, after months of frustration, I wrote a letter to the former Commissioner Dawn Gallagher to voice my concerns about how the process had been handled. Ms. Gallagher asked the former DEP Bureau Director Steve Davis to contact me regarding my concerns. I met with Mr. Davis a few times, walked my property a few times and talked with him on the telephone several times. I expressed my concerns about the loss of use of our property. I explained to Mr. Davis that my family and I used the property daily for swimming, boating, watching the sunset, reading a book in the hammock and playing ball with our dogs. We haven't put our dock or boat in for two summers now. We have not used the lake front property since the spill since oil residue remains on the property. We made this decision due to the fact that each and every time we used the property someone or something ended up with oil on them. Particularly, my dogs who would then enter my home. ServePro has already professionally cleaned my floors, carpets, tub, etc from the initial finding of oil. Therefore, to protect our home from further damages, we have not been able to use our property. We have not only lost use of our lakefront property, but we also believe that we have suffered considerable devaluation in property assessment. Mr. Davis indicated that DEP has a fund for third party damages that covers up to \$200,000 and we could apply for reimbursement from that fund. Mr. Davis felt that our losses were justifiable.

In addition, I voiced concern to Mr. Davis about the cost for the cleanup of the WCC. Mr. Davis informed me and has made several public statements that the WCC is not







eligible for the Ground Water Oil Clean up Fund, however, the “revised” order issued by DEP found the WCC eligible for cleanup coverage. I have obtained copies of the files and orders from DEP which state/show the following:

- DEP’s employees were told to change the letter of findings by Steve Davis and Dawn Gallagher. The employee didn’t want to sign the letter with their name on it because it went against DEP policy.
- DEP’s own Department order shows that the “tanks and piping are constructed of unprotected steel and the installation dates are unknown. The tanks are registered by the Carlton Woolen mill with DEP in December 1987. CWM reported to DEP that the 20,000 gallon tank (Tank 1) had leaked in the 1960’s. Tank 1 was filled with sand and abandoned in place in 1969. The alleged abandonment predates DEP’s Rules for underground oil Storage facilities, Chapter 691, effective 1986, which specifies requirements for abandonment in place of a tank. The 1,000 gallon tank (Tank2) was reportedly removed in the 1980’s. Tank 1 remained in the ground until this recent spill report. DEP’s order also stated that an oil discharge discovered after October 1, 1998 that is from bare steel underground tanks or piping is not eligible for coverage by the fund. Yet, the cleanup cost was covered by the Ground Water Oil Clean up even though this spill was reported on April 9, 2005.
- DEP also stated that “an oil discharge that was discovered on or before April 1, 1990 is not covered by the fund. DEP’s order also stated that “an oil discharge that was discovered on or before April 1, 1990 is not covered by the Fund”. Since Tank 1 was reported to have leaked in the 1960’s and was filled with sand in 1969 and since Tank 2 was removed in the 1980’s any discharged from these tanks would have had to have occurred and been discovered prior to April 1, 1990. If fact there have been several reports of oil in Mill Stream and other areas down stream from the mill in Winthrop, 3 times in 1990 and again in 1993. DEP has been made aware of all of these reports. The 20,000 gallon tank was known to have leaked prior to April 1, 1990 and should have been removed however, it wasn’t and I have suffered for it.
- DEP’s finding also indicated that this cleanup will not be covered under the terms of this order. The tanks are bare steel and found after 1998, yet the claim was paid.
- WCC hasn’t been assessed any penalties. They simply paid a deductible of \$2,500.00 for a very expensive cleanup.
- August 14, 2005, Steve Davis and Peter Blanchard told the Annabessacook Lake Improvement Association publicly in front of 50 plus people that the WCC was not eligible for fund coverage however, it was covered. They also said DEP would do a bottom sampling of the lake however; this was never done.

"We're not quite done with this project," said Peter Blanchard, of the Department of Environmental Protection. Sheen -- the rainbow-colored slick on the surface of oil- and gas-tainted water -- was seen along portions of the shore near the site on hot days this summer. Blanchard's best guess is that oil may still be lingering in the bedrock, which is out of excavation equipment reach.

The Carleton Woolen Mill had a history of leaking oil. The DEP said oil spilled from the mill in the 1960s, three times in 1990, and again in 1993. The mill closed in 2001.

For about \$200,000, a price that included back property taxes, a team of investors bought the abandoned mill in 2003 and announced ambitious plans to turn it into a mixed-use complex of offices, stores and apartments that could house at least 500 workers and residents.

Finally, weeks before the spill appeared, the Winthrop Commerce Center inked a deal with the Winthrop Health Center, which now occupies parts of two floors in one wing of the L-shaped mill. According to articles written at the time, the spill almost soiled the deal.

Small amounts of oil still leak from the site into the Mill Stream.

The estimated 400 gallons of oil that spilled into the stream over those months took hundreds of thousands of dollars to clean up. The bill was paid by a groundwater insurance fund, Blanchard said, and in time the remaining leaks should clear off.

I've enclosed a CD with photographs of my property when the spill first happened and pictures as recent as this spring (one year later). As you will see the water levels were so high that the oil left rings around the trees. You will also see my dog's tennis ball surrounded by oil, which is extremely disturbing, along with pictures of oil dripping off from branches on our property.

As you can see, I have tried to resolve this matter amicably time and time again without any resolve.

My question to you Governor Baldacci is how would you feel if this was your property and you had been treated this way?

I understand that the parties involved in this are no longer employed by DEP however, that doesn't change the fact that DEP covered the cleanup costs for the WCC when it shouldn't have. The bottom line, the cleanup cost being absorbed by DEP doesn't bother me as much as the DEP's disregard of my claim and unwillingness to assist me with my losses. If they're going to cover the WCC in this matter, they should cover us

3

- DEP's original letter to the WCC clearly indicated that WCC would be responsible for the cleanup cost however; the final letter said the exact same language but told the WCC it would be covered by the fund. I have copies of the edited decision letters showing comments and deletions from DEP employees. I also have copies of e-mails sent from Commissioner Gallagher expressing concern about handling this situation since Senator John Martin was the owner of the building.

My third concern expressed to Mr. Davis was the difficulty my wife and I had with dealing with Jim Cumming at DEP (third party claims unit). We explained to Mr. Davis that Mr. Cumming had been very difficult to work with, had made derogatory remarks about us and our claim and stated we had no loss as far as he was concerned. We also discussed the fact that I was getting ready to list the property for sale as the market was at an all time high however, we couldn't possibly advertise it now with booms out in front of it. Mr. Davis said he understood and indicated that he has received several complaints about Mr. Cumming and would oversee our case himself going forward.

As I'm sure you're aware, both Mr. Davis and Ms. Gallagher are no longer employed by DEP therefore, I am back to step one.

Feeling frustrated again, I hired an attorney in an attempt to resolve this matter amicably with the WCC. We sent two Confidential Letters of Settlement to the WCC. The WCC sent letters back to us telling us to pursue DEP's third party claim fund.

After several more frustrating attempts in resolving this matter with DEP, I contacted my State Representative, for assistance. My State Representative arranged for a meeting with Acting Commissioner David Littell and me. Mr. Littell and I met and I again expressed my concerns about the cleanup cost being covered by the DEP's Ground Water Insurance Fund and that I was having to jump hoops to get my damages covered. Mr. Littell assured me that DEP would pay for our property to be appraised and asked that we complete a third party damage claim to get the process started.

I have since completed the third party damage claim and have been informed by Jim Cumming that DEP will not pay for loss of use. I explained to Mr. Cumming that the DEP has paid for loss of use in the past (the JulieN spill in Portland, Me). I also explained to Mr. Cumming that we haven't used the property for over a year to prevent further losses. Mr. Cumming's response to me was "we'll that was your choice."

On August 25, 2006, I met with DEP staff members, Jim Cumming, John Bean, Dan David and Tom Benn, who looked at my property. Mr. Cumming indicated that he probably couldn't get an appraiser out to my property before snow flies.

Since the August 2006 meeting, the Kennebec Journal ran a newspaper article on September 13, 2006, titled "Oil Spill cleanup not quite finished" (see copy attached) which stated the following:

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as well. If they're not going to cover us, then the WCC shouldn't be covered either. It can't be both ways.

Any assistance you can provide would be greatly appreciated. You may reach during business hours at (297) 441-5869 or after 6 p.m. at (207) 377-2322. Thank you for your time. I look forward to hearing from you.

Sincerely,



John Haefele  
P.O. Box 99  
Winthrop, Maine 04364

Enclosures

Cc: Representative Patrick Flood  
Commissioner David Littell, DEP



4

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## Cumming, James

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**From:** Cumming, James  
**Sent:** Friday, October 27, 2006 12:33 PM  
**To:** Hyland, Mark  
**Cc:** Whittier, Scott; Beane, John E; Fournier, Christopher G  
**Subject:** HAEFELE CLAIM CHRONOLOGY

Mark, this is written as a follow-up to our discussion about this site this morning:

- **4/9/05:** DEP Spill #A-157-2005 discovered and reported to DEP.
- **4/12/05:** Claims staff meets at the Haefele residence with Response staff, Julie Haefele, and Tim Culbert (a private investigator representing the Haefeles). We went over the claims process in detail and provided a claim form, fact sheet, and other information. Mrs. Haefele indicated that they planned to hold off submitting a claim until cleanup and site restoration activities were complete. There was some minor oiling observed to indoor rugs, carpet, and the bathtub. The oil had been tracked inside by the Haefele's dogs. The shore of Annabessacook Lake was inspected. Field notes state that "The quality of the cleanup was excellent. Even with a strong onshore wind that would have pushed in floating oil, there were only a couple flecks of oil sheen visible. There was a minor bathtub ring on several shoreline trees."
- **5/2/06:** ServPro of Augusta (under contract with DEP) cleans the oiling inside the Haefele residence. Our files contact the "Certificate of Satisfaction" survey completed by Julie Haefele. High marks are given, with closing comments of "staff was extremely courteous and did an excellent job."
- **6/2/06:** Julie Haefele contacts Claims Staff to report that "oil is beginning to come back up" in her rugs. ServPro is contacted immediately regarding the issue reported. Claims staff makes several contacts with the Haefeles to schedule a visit by ServPro. On 6/16/06, Mrs. Haefele states that she will get back us and she never has.
- **9/21/05:** As a follow-up to a request they made to Steve Davis, the Haefeles are provided a claim form and information by Certified Mail. They sign for it on 9/24/05.
- **5/23/06:** Mark Hyland visits Claims staff regarding the Haefele site. John Haefele has a meeting with the Commissioner. Mark Hyland is briefed on the case, including the fact that the Haefeles have not filed a claim yet.
- **7/19/06:** Third Party Claim is received by the Claims staff.
- **8/1/06:** Phone conversation with Mainland Consultants regarding the site and a possible appraisal. John Schwartz said that he would need sampling data on residual oil before doing an appraisal.
- **8/14/06:** Preliminary letter in response to the claim is sent to the Haefeles. The documentation is not sufficient for any award. The focus of the claim is on property devaluation and "loss of use" The latter item is not an actual economic damage and is not compensable. A copy of their property deed is not provided as required to demonstrate their right, title, and interest for the property devaluation portion of the claim.
- **8/23/06:** Notice of Claim sent to Winthrop Commerce Center as RP. They do not join the claims process as an interested party.
- **8/25/06:** Copy of property deed provided by claimants. It shows John Haefele, William Haefele, and Carol Haefele as co-owners. Upon advice from the AG's Office, Claims staff contacts the co-owners by Certified Mail to advise them of John's claim. They receive the mailing, but do not join the process. Claims staff also visits the property on this date with John Beane, Dan Davis, and Tom Benn to observe the possibility of residual oiling. Some minor oiling noted. John Beane to develop a sampling plan.
- **8/28/06:** Claims staff determines that there is a sale pending on at least a portion of the Haefele property for \$279,900 with Village Realty.
- **10/3/06:** John Beane completes the site sampling plan. Immediate attempts are made to schedule the work with the Haefeles.
- **10/5/06:** Mrs. Haefele requests that the sampling be conducted "after 5 or on weekends." Note: Failing daylight precludes sampling after 5 PM on weekdays.
- **10/6/06:** Claims staff proposes Saturday, 10/28 as a sampling date.
- **10/18/06:** Mrs. Haefele approves of the proposed schedule.
- **10/24/06:** John Beane completes flagging of site for sampling grid.

- **10/27/06:** Mark Hyland visits Claims staff. Inquiry has been received from the Haefeles. Big issue appears to be an appraisal. Claims staff specifically requests contracting assistance from Sherrie Edwards, etc.
- **10/28/06 (Saturday):** Site sampling by Claims staff and John Beane scheduled to start sampling at 9 AM.
- **Early Dec. 2006:** Anticipated date for receipt and review of sampling data.

Please let me know if you have questions.

**Cumming, James**

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**From:** Haefele, Julie F.  
**Sent:** Thursday, October 26, 2006 9:17 AM  
**To:** Cumming, James  
**Subject:** RE: PROPERTY SAMPLING; SATURDAY 10/28/06

Jim,

Our home number is 377-2322. If you get the answering machine, please call John's cell at 441-5869.

Thank you. See you then.

Julie

---

**From:** Cumming, James  
**Sent:** Thursday, October 26, 2006 9:11 AM  
**To:** Haefele, Julie F.  
**Subject:** PROPERTY SAMPLING; SATURDAY 10/28/06

Julie,

Department field staff completed the sampling grid layout and set flags at your property on Tuesday, 10/24. The weather forecast for Saturday is for deteriorating conditions, but at least the morning appears to be dry. Therefore, the Department geologist and I intend to arrive at your property at 9:00 to 9:30 AM this Saturday (10/28) for the sampling event.

If the storm arrives sooner than expected, we will call you the morning of 10/28. Please provide the best number where I can reach you if needed at that time.  
If you don't hear from me, assume that the sampling will take place as scheduled.

Thanks.



**Cumming, James**

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**From:** Cumming, James  
**Sent:** Wednesday, October 18, 2006 8:50 AM  
**To:** Beane, John E  
**Subject:** RE: PROPERTY SAMPLING

I agree.

---

**From:** Beane, John E  
**Sent:** Wednesday, October 18, 2006 8:49 AM  
**To:** Cumming, James  
**Subject:** RE: PROPERTY SAMPLING

Yes, 9:00 is probably as early as I could get there.

---

**From:** Cumming, James  
**Sent:** Wednesday, October 18, 2006 8:48 AM  
**To:** Beane, John E  
**Subject:** RE: PROPERTY SAMPLING

Thanks, John. I'll get back to the Haeefes. I'm assuming that the sampling on 10/28 will commence in the AM. I would look at something like 9 AM, and will run this by them and let you know how it works out.

Jim

---

**From:** Beane, John E  
**Sent:** Wednesday, October 18, 2006 8:45 AM  
**To:** Cumming, James  
**Subject:** RE: PROPERTY SAMPLING

Hi Jim,

I have scheduled the layout work for Tuesday 10/24. If we don't complete it that day, or if it is pouring rain, we have held open Thursday 10/26 too.

John E. Beane, C.G., Senior Geologist  
Maine Department of Environmental Protection  
Bureau of Remediation and Waste Management  
Division of Technical Services  
(207) 287-7635

---

**From:** Cumming, James  
**Sent:** Wednesday, October 18, 2006 8:10 AM  
**To:** Beane, John E  
**Subject:** FW: PROPERTY SAMPLING

Hi, John. I just received the Haefeles reply. I hope this will still work for you. Please let me know which day you plan to visit the property next week for the preliminary work. Thanks.

Jim

---

**From:** Haefele, Julie F.  
**Sent:** Wednesday, October 18, 2006 7:53 AM  
**To:** Cumming, James  
**Subject:** RE: PROPERTY SAMPLING

Hi Jim,

He can come anytime that week. Just let me know what day he'll be there.

Thanks.

---

**From:** Cumming, James  
**Sent:** Friday, October 06, 2006 9:15 AM  
**To:** Haefele, Julie F.  
**Subject:** RE: PROPERTY SAMPLING

Hi, Julie. The Department geologist has said that he can conduct the actual sampling on Saturday, Oct. 28. However, he will need a weekday during the week of Oct. 23 to set up the sampling grid. He is approaching this in a very thorough manner and needs the time. Please reply at your earliest convenience. Thanks.

---

**From:** Haefele, Julie F.  
**Sent:** Thursday, October 05, 2006 10:22 AM  
**To:** Cumming, James  
**Subject:** RE: PROPERTY SAMPLING

Thank you.

---

**From:** Cumming, James  
**Sent:** Thursday, October 05, 2006 10:20 AM  
**To:** Haefele, Julie F.  
**Subject:** RE: PROPERTY SAMPLING

Hi, Julie.

My notes indicate from the 8/25 meeting indicate that the need for sampling was discussed. The degree of any remaining contamination will be an important factor in any appraisal.

John and you don't need to be there for the sampling. That's your choice. With that said, I will check with the geologists regarding weekend sampling. My notes indicate that the sampling will take 2-3 hours, so there will be insufficient daylight to start sampling at 5 PM on a weekday.

I'll get back to you regarding weekends.

Jim

---

**From:** Haefele, Julie F.  
**Sent:** Thursday, October 05, 2006 9:33 AM  
**To:** Cumming, James  
**Subject:** RE: PROPERTY SAMPLING

Hi Jim,

John was under the impression from when you met on Aug 25th, that you wouldn't need to come back to the property again.

It's very difficult for us to free ourselves up due to hectic work schedules. Is this something that can be done after 5 or perhaps on a weekend?

Thank you.

---

**From:** Cumming, James  
**Sent:** Tuesday, October 03, 2006 11:04 AM  
**To:** Haefele, Julie F.  
**Subject:** PROPERTY SAMPLING

Julie, the Department would like to conduct sampling of your waterfront property area. The sampling plan is attached for your information. For scheduling purposes, we would like to schedule the sampling for a day during the weeks of October 16 or 23. The only day that wouldn't work for Department staff is the 25<sup>th</sup>.

Please let me know how your schedules look during this time period. Thank you.

Cumming, James

From: Beane, John E  
Sent: Tuesday, October 24, 2006 8:55 AM  
To: Cumming, James  
Subject: RE: HAEFELE SAMPLING

I'm in. I was headed out there this morning to get a start on the grid layout.

John

From: Cumming, James  
Sent: Tuesday, October 24, 2006 7:41 AM  
To: Beane, John E  
Subject: HAEFELE SAMPLING

Hi, John. Please let me know when you get in. I'd like to talk about the sampling plan versus the weather forecast. Thanks.

10/24/06

0915 MET OF JOHN BEANE

→ GAVE HIM CC OF THE MAP

→ DISCUSSED POSSIBLE WEATHER CONCERNS FOR SAT. (10/28/06) → (BILL HUGS TEL. THUR 10/26 TO CONTACT HAEFELE)

↓  
→ MET AVAIL DATE FOR HIM IS FRI 11/10/06 (HOLIDAY) - (E CAN'T MAKE THIS)

→ 11/10/06 IS LATER HE CAN SAMPLE SINCE SOME WATERBORNE SAMPLING FROM HIS CANOE WILL BE REQUIRED.

→ IF THIS 3/00 RAINS → WAY TILL MORNING GRIS LAYOUT WILL HOLD UP



**Cumming, James**

---

**From:** Cumming, James  
**Sent:** Wednesday, October 18, 2006 9:10 AM  
**To:** Haefele, Julie F.  
**Subject:** RE: PROPERTY SAMPLING

Hi, Julie. The geologists have set Tuesday 10/24 as the date for the layout work (setting flags for sampling locations). Thursday 10/26 has been set aside as the rain date or as needed if the layout work can't be completed on 10/24.

As discussed, we have planned the actual sampling for Saturday, 10/28 starting at 9-9:30 AM.

For 10/24 and 10/26 (if needed), John Beane and his assistant will be on-site. I may be present for part of the time. For 10/28, John Beane and his assistant will be there. I will be there for part of the time.

Jim

---

**From:** Haefele, Julie F.  
**Sent:** Wednesday, October 18, 2006 7:53 AM  
**To:** Cumming, James  
**Subject:** RE: PROPERTY SAMPLING

Hi Jim,

He can come anytime that week. Just let me know what day he'll be there.

Thanks.

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**To:** Cumming, James  
**Subject:** RE: PROPERTY SAMPLING

Thank you.

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10/18/2006

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Please let me know how your schedules look during this time period. Thank you.

**Cumming, James**

---

**From:** Cumming, James  
**Sent:** Tuesday, October 03, 2006 8:49 AM  
**To:** Beane, John E  
**Subject:** SAMPLING AND ANALYSIS PLAN; HAEFELE PROPERTY

John, thanks for putting this together. It looks good! I placed the document at your desk with a few pen and ink changes. I took out the reference to "loss of use" except for Mr. Haeefe's perception of it. The Department doesn't view "loss of use" as an actual economic damage. I also changed the description of the contamination to "remaining" as opposed to "ongoing" or "continuing". This reflects that we are looking for what contamination remains after extensive Department remedial efforts and natural attenuation.

Please keep me posted on your plans to do the actual sampling. Thanks!

JUAN HAS PROVIDED ME WITH THE  
 DOCUMENT FOR MY REVIEW ON 10/2/06

---

JUAN WILL FINALIZE DOCUMENT &  
 E-MAIL IT TO ME. I AM WORKING WITH  
 POSSIBLE SITES FOR SAMPLING

I CAN FLY TO WAREFELDS

---

Sampling And Analysis Plan  
Haefele Property  
Winthrop Commerce Center LUST Site (A-157-05)

UPDATE → August 28, 2006

John E. Beane, Ph.D., C.G., Senior Geologist

### Introduction and Background

In April 2005, #6 fuel oil that had been trapped in the ground that the former Carlton Woolen Mill on Main Street in Winthrop seeped into Mill Stream in substantial quantities during the spring freshet. The oil was washed quickly down stream to Annabessacook Lake. The lake was partially covered with ice, so the oil only had access to the northern end of the lake that was ice-free. The shoreline of that northern portion of the lake was exposed to the floating heavy oil before cleanup workers were able to further restrict the oil through the effective use of booms. The water level of the lake was about three feet higher than normal lake level at the time of the oil discharge.

The Haefele property includes approximately 400 feet of shoreline along the northeastern shore of the lake. In April 2005, after the water level had dropped, the Haefele's dogs returned from the lake shore with some of the oil on them, and they transferred the contamination to the Haefele home. In July 2006, the Haefeles filed a third party damage claim for damages to their home and shoreline.

On August 25, 2006, Department staff inspected the shoreline and met with John Haefele at the site to discuss his understanding of the continuing damage to his shoreline property from the oil discharge. In addition to the loss of use of the shoreline portion of the property during 2005 and 2006, Mr. Haefele expressed concern about ongoing impairment of the property due to oil residues on the shoreline and in the bottom sediments of the lake. One specific concern was that someone swimming from his shoreline might disturb sunken oil that would then rise to the surface and expose the swimmer to the contamination. Another concern was that oil along the shoreline might still be fluid enough to adhere to his dogs, so he has refrained from exercising the dogs along the lake.

During the site visit I observed black oil stains that ringed tree trunks about three feet above the summertime lake level. Where the lakeshore bank was steep, these trees were right along the shoreline. Where the slope was flatter, the stains were fifteen feet or more from the shoreline. In the field it appeared that there was just one elevation on each tree that got oiled. That is consistent with the source being controlled by booming before the water level fell. If that is true, then the zone of potential soil contamination would be a contour line at that single elevation.

The oil stains on the trees were dry to the touch. They were not tacky, and no oil was transferred to my hand by simply touching the stain. Rubbing the stain would transfer the stain to my hand. Petroleum odor was not noticeable.



## Objectives

This sampling is intended to provide data on the persisting contamination that might affect the ~~usability and~~ real value of the property in support of appraisal of the property and determination of compensable damages.

A  
A-W

Specific objectives are twofold.

- 1) Determine whether transferable petroleum residue persists on land or in the bottom sediments that might contaminated people or dogs using the area for recreation. That is, will those using the area come away with visible oil on them?
- 2) Document the locations and concentrations of regulated contaminant compounds (polynuclear aromatic hydrocarbons) in soil and sediment, and whether those soils or sediments require remediation.

## Analytical Methods

Samples of soil, lake-bottom sediment and lake water will be collected.

The diesel range organics (DRO) analysis will not be used for soils or sediments because of the methods poor discrimination between naturally occurring organic matter and the high-molecular weight hydrocarbons typical of weathered #6 fuel oil. Instead, soil and sediment samples will be analyzed for polynuclear aromatic hydrocarbon compounds (PAH) (EPA Method 8270C) that are characteristic of fuel oil, although they are not exclusive to fuel oil.

Water samples will be analyzed for DRO and PAH.

Up to four soil samples will be analyzed. Up to four sediment samples will be analyzed. Up to two water samples will be analyzed.

In addition to laboratory analyses, field observations of odor, appearance and textural character (stickiness, fluidness, dryness) and transferability will be used to evaluate and describe the characteristics of oil residues encountered during the investigation. Transferability will be evaluated by pressing a piece of filter paper against the oiled surface and describing the abundance and nature of the material transferred to the filter paper. Digital photographs of each oiled surface and the corresponding filter paper will record their appearances.

## Field Methods

### Soil Sampling

The first task will be to locate the zone of probable contamination on the land. We will use a builder's level to determine the relative elevation of the stained rings on the trees.

If all the visible rings are the same elevation ( $\pm 0.2$  ft.), then that elevation will be located on the ground, and the contour will be marked with closely spaced pin flags. Similar to a bathtub ring, that contour would mark the water level at the time that the floating oil "event" happened. Inspection of the land surface for oily residue or staining, and sampling for contaminant compounds will then be focused along that contour.

If the oil-stained rings on the trees are not all the same elevation, that would imply that floating "clots" of oil blew into shore as the water level varied over a more prolonged floating oil "episode". If this is the case, then inspection of the land surface for oily residue or staining, and sampling for contaminant compounds will then be focused throughout the area below the elevation of the highest contour.

Soil samples will be collected from the upper ten centimeters, including the leaf litter and forest duff, because floating product would have adhered to these surface materials and it would not have been fluid enough to penetrate the soil. Only one autumn leaf fall has occurred since the oil discharge, so the oil will not be deeply buried beneath subsequent accumulations of leaves.

### **Sediment and Water Samples**

Targeting the most likely locations for sediment contamination is not as straightforward as was the case with soil. Heavy oil floating on a surface water body tends to sink because the oil picks up relatively denser soil particles by contact with the shoreline. Sand is the most likely material to cause this. The shoreline on the Haeefe property is not particularly sandy. Rather, it is stony or covered with leafy organic detritus. Sunken oil may not be particularly abundant ~~alone~~ <sup>along</sup> the Haeefe shoreline.

To screen locations for sunken oil contamination, a sampling grid will be established along the shoreline. Pin flags will be placed on the shoreline at twenty foot intervals. From a boat, the bottom sediment will be disturbed at depths of two feet, four feet and six feet (to the extent that it is reasonable and practical) adjacent to each pin flag, in an effort to mobilize sunken oil and create a sheen at the lake surface. The implement used to disturb the bottom sediments (a hoe?) will be observed for oil contamination between each screening point. The depth, distance to shore and GPS location ( $\pm 1$  meter) will be recorded for each point. If a sheen is noted, then a water sample will be collected from the surface in an attempt to capture some of the floating oil. Up to two such samples will be collected. At up to four locations where a sheen is observed after disturbing the bottom sediments, or where oily residue is noted on the implement, sediment samples will be collected from the upper ten centimeters using a mini-ponar sampler. Sampling will be done in accordance with the Department's "Surface Water and Sediment Sampling Protocol" (Brian Beneski, 1999).

The locations of all samples will be documented using GPS to within  $\pm 1$  meter.

### **Reporting**

A report will be generated upon receipt of laboratory analytical reports that will document the field observations and laboratory chemical analyses and interpret the results to shed light on the degree of ~~ongoing impairment of the usability~~ of the property, ~~for residential and recreational functions.~~ The report will include photographic documentation of the staining and field transferability tests, any photographs of sheens mobilized by field activities, and a map or maps documenting sample locations.

~~REMAINING~~  
~~CONFIRMATION~~  
~~CONSENT~~



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

August 28 2006

Certified No. 7003 1680 0000 0242 2988

William G. Haefele  
P.O. Box 396  
Bar Harbor, ME 04609

Dear Mr. Haefele:

I am writing regarding a property of which you are a co-owner in Winthrop, Maine. The property is shown in the Town of Winthrop tax records on Map 5, Lot 40

Please be advised that the Department is reviewing a third party damage claim filed by another co-owner of the property, John W. Haefele, as a result of an oil discharge from Winthrop Commerce Center in April 2005 (DEP Spill #A-157-2005). A component of the claim is for property devaluation as a result of the contamination. Regardless of the ultimate disposition of this portion of the claim from John W. Haefele, the Department would likely not support any additional claims filed by other co-owners for loss in the property's value as a result of Spill #A-157-2005. As is our standard practice, if an award for property devaluation for John W. Haefele's claim is made, the Department would file a copy of the Department Order or Hearing Examiner Order with the Kennebec County Registry of Deeds for attachment to your deed for the property.

If there is a need for further clarification, please contact me directly at (207) 287-7860 at your earliest convenience.

Sincerely,

James S. Cumming  
Oil Remediation and Claims Unit  
Bureau of Remediation and Waste Management

AUGUSTA cc: John and Julie Haefele  
17 STATE HOUSE STATION BANGOR  
AUGUSTA, MAINE 04333-0017 106 HOGAN ROAD  
(207) 287-7688 FAX: (207) 287-7826 BANGOR, MAINE 04401  
RAY BLDG., HOSPITAL ST. (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 04769-2094  
(207) 764-0477 FAX: (207) 760-3143





STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

August 28 2006

Certified No. 7003 1680 0000 0242 2995

Carol Malmsten  
P.O. Box 232  
Winthrop, ME 04364

Dear Mrs. Malmsten:

I am writing regarding a property of which you are a co-owner in Winthrop, Maine. The property is shown in the Town of Winthrop tax records on Map 5, Lot 40

Please be advised that the Department is reviewing a third party damage claim filed by another co-owner of the property, John W. Haeefe, as a result of an oil discharge from Winthrop Commerce Center in April 2005 (DEP Spill #A-157-2005). A component of the claim is for property devaluation as a result of the contamination. Regardless of the ultimate disposition of this portion of the claim from John W. Haeefe, the Department would likely not support any additional claims filed by other co-owners for loss in the property's value as a result of Spill #A-157-2005. As is our standard practice, if an award for property devaluation for John W. Haeefe's claim is made, the Department would file a copy of the Department Order or Hearing Examiner Order with the Kennebec County Registry of Deeds for attachment to your deed for the property.

If there is a need for further clarification, please contact me directly at (207) 287-7860 at your earliest convenience.

Sincerely,

James S. Cumming  
Oil Remediation and Claims Unit  
Bureau of Remediation and Waste Management

AUGUSTA cc: John and Julie Haeefe  
17 STATE HOUSE STATION BANGOR  
AUGUSTA, MAINE 04333-0017 106 HOGAN ROAD  
(207) 287-7688 FAX: (207) 287-7826 BANGOR, MAINE 04401  
RAY BLDG., HOSPITAL ST. (207) 941-4570 FAX: (207) 941-4584

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PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 760-3143

**Cumming, James**

---

**From:** Sauer, Mary  
**Sent:** Friday, August 25, 2006 2:55 PM  
**To:** Cumming, James  
**Subject:** RE: DRAFT LETTER/HAEFELE

The letter looks fine as is. Have a good weekend!

---

**From:** Cumming, James  
**Sent:** Friday, August 25, 2006 2:18 PM  
**To:** Sauer, Mary  
**Subject:** DRAFT LETTER/HAEFELE

Mary, I drafted the attached letter as a follow-up to our recent discussion. I received a copy of John Haefele's deed today and there are indeed 2 other co-owners listed. Please provide me with your comments. Thanks!

**Cumming, James**

---

**From:** Cumming, James  
**Sent:** Friday, August 25, 2006 11:07 AM  
**To:** Haefele, Julie F.  
**Subject:** RE: THIRD PARTY CLAIM

Thank you, Julie.

I will cc you on the letters that I send to the other property owners.

Jim

---

**From:** Haefele, Julie F.  
**Sent:** Friday, August 25, 2006 10:57 AM  
**To:** Cumming, James  
**Subject:** RE: THIRD PARTY CLAIM

Hi Jim,

The address for Carol Malmsten is, P.O. Box 232, Winthrop, Maine 04364

The address for William G. Haefele is P.O. Box 396, Bar Harbor, ME 04609

Would you please also send John and I a copy of the letter being issued to Carol and William.

Additionally, I will sign the claim form and get it back to you early next week.

Thank you.

Julie Haefele

---

**From:** Cumming, James  
**Sent:** Friday, August 25, 2006 10:51 AM  
**To:** Haefele, Julie F.  
**Subject:** THIRD PARTY CLAIM

Hi, Julie. DEP staff (John Beane, Dan Davis, Tom Benn, and I) met with John and Steve at your property this morning. John provided me with further info for the claim. One item provided was a copy of the deed for the property. The deed also lists Carol Haefele Malmstem and William G. Haefele as owners of the property. Since any award for property devaluation will be recorded with the Reigstry of Deeds, the AG's Office has advised me that I need to notify Carole Haefele Malmstem and William G. Haefele that the claim is being processed and that a recording referencing the deed might occur. I explained this requirement to John. He stated that I should contact you for the addresses for Carole Haefele Malmstem and William G. Haefele. Thanks in advance.

8/25/2006

I also returned the original claim form to John so you could also sign it. This will allow for a possible payment of your lost wages. Please return the entire claim to me once you sign it. Thanks again.

Please let me know if you have questions!

SIXE VISIT 8/25/06 (0820-1000)

JOHN BEANE  
SANDRA  
TOM BROWN  
JOHN C.

VILLAGE REALTY

207-778-9999

Village Realty Maine, Inc

"LOST PROS  
THINK IN  
SELL"  
IN 2005

TARRY BASH TUB RIM ON SKIDWAY TRAIL,  
CAN SCRAPE OFF W/FINGERNAILS (NOT ALL)

↳ APPROX 3 FT ABOVE CURRENT  
LAKE LEVEL

↳ TRAIL APPROX NOT DISTURBED

↳ SAMPLE UPPER 1" OF LAKE SEDIMENT

↳ SAMPLE SUBSTRATE LIES UNDER STONE

↳ STAKE AREA OF JOHN HARTLE

↳ MR. HARTLE REFS OLD UNDER LILY POND

↳ HIGH SEED RESIDUAL OIL IN HARTLE

↳ PAH SAMPLING PLAN (JOHN BEANE)

↳ 1 WK FOR PLAN

↳ SITEBOOK SAMPLING + (2-3 HR / EVENT)

(↳ 1 HRT IN GET RESULTS)

↳ REPORT + ANALYSIS ~~CHUCK~~ <sup>CHUCK</sup> LUMBER  
TIGERS FOR 2006 (ARE WINTER)





STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

DAVID P. LITTELL

GOVERNOR

COMMISSIONER

August 23, 2006

Certified No. 7003 1680 0000 0241 3306

Winthrop Commerce Center  
Attn: Louis Carrier  
P.O. Box 333  
Winthrop, ME 04364

Re: Notice of Claim; John Haeefe (Department Spill #A-157-2005)

Dear Mr. Carrier:

This letter is written regarding a petroleum discharge from Winthrop Commerce Center's underground oil storage facility in Winthrop, Maine in April 2005. Please be advised that we have received a Third Party Damage Claim from John Haeefe as a result of this discharge.

Mr. Haeefe is seeking compensation for property devaluation, lost wages, and other damages as a result of the discharge. The Department is required by Title 38 Maine Revised Statutes Annotated, Sec. 569-A.2.A. to contact the responsible party via certified mail to provide notice of claim and written notice of the right to join the claims process as an interested party. The Department has not taken a formal position on this claim

As the responsible party, Winthrop Commerce Center has ten (10) working days after receipt of this notice to provide written notification to the Department of their intent to join as an interested party in this matter. A copy of the relevant statute is enclosed to facilitate their decision on whether or not to join the claims proceeding as an interested party.

If you have any questions, please contact me at (207) 287-7860.

Sincerely,

James S. Cumming  
Oil Remediation and Claims Unit  
Bureau of Remediation and Waste Management

Enclosure

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
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 04769-2094  
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

August 14, 2006

John Haefele  
P.O. Box 99  
Winthrop, ME 04364

Re: Third Party Damage Claim; DEP Spill #A-157-2005

Dear Mr. Haefele:

The Department received your Third Party Damage Claim on July 18, 2006. Your claim is considered to have met the applicable filing deadline in Maine statute.

Your claim sought compensation for damages arising from the discharge of oil at Winthrop Commerce Center in April 2005. I have enclosed a list with the Department's preliminary position and/or additional information needed for the items claimed. The Department will continue to process your claim once we receive the information requested.

If you need further information or assistance, please contact me directly at (207) 287-7860.

Sincerely,

James S. Cumming  
Oil Remediation and Claims Unit  
Bureau of Remediation and Waste Management

Enclosures (2)

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PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 760-3143

John Haefele Third Party Damage Claim (DEP Spill #A-157-2005)

1. Lost wages for John Haefele: \$198.00 is sought for 1 day of pay. Department field staff has confirmed the presence of Mr. Haefele on site to assist in the cleanup, so the Department is likely to support an award for this item. However, the material submitted does not thus far include payroll records (copies of time cards, pay stubs, etc. that indicate personal time was used for this time period) to substantiate the amount sought. Please forward this documentation to me at your earliest convenience. The State is required to report awards for lost wages to the Internal Revenue Services for tax purposes. Reporting is done separately for each taxpayer ID#.
2. Lost Wages for Julie Haefele: \$134.96 is sought for 1 day of pay. Department field and Claims staff has confirmed the presence of Mrs. Haefele on site during indoor cleanup work by ServPro. However, the material submitted does not thus far include payroll records (copies of time cards, pay stubs, etc. that indicate personal time was used for this time period) to substantiate the amount sought. Please forward this documentation to me at your earliest convenience. The State is required to report awards for lost wages to the Internal Revenue Services for tax purposes. Reporting is done separately for each taxpayer ID#. Therefore, Mrs. Haefele will also need to sign the Third Party Damage Claim for this portion of the damages claimed to be considered.
3. Two Dog Beds: You seek \$300.00 for damage to this personal property. Department staff was on site to confirm the oiling of two dogs beds when your pets tracked in oil from the Annabessacook Lake shore. However, your claim provides no basis for how the dollar amount sought was determined. At your earliest convenience, please provide documentation in the form of copies of receipts for your replacement costs or purchase of the original items.
4. Loss of Use: "Loss of use" is not an actual economic damage and is therefore not compensable through the Third Party Damage Claim process. The existence of any residual oil contamination and any damage award that the Department can support as a result of contamination to real property will be evaluated with regard to the "property devaluation" portion of your claim.
5. Property Devaluation: The Department is developing background information to evaluate this portion of your claim. Department staff intends to visit your property and other lakeshore locations to evaluate any residual oil contamination. Water and soil samples may be taken. As arranged, a visit to your property has been scheduled for Friday, August 25 at 8:30 AM. Once the Department develops the necessary background information, it will be provided to a licensed real estate appraiser as part of the review to determine any loss in the value of your property as a result of this discharge.

In the interim, please provide a copy of the deed(s) to the property or properties for which damages are claimed. This is needed to demonstrate right, title, and interest in the property or properties for which damages are claimed. A review of

Winthrop's tax records indicates that John Haefele is the owner or co-owner of at least 2 parcels, Lots 40 and 40D on Tax Map 5. Please ensure that the copies of the deed(s) you provide show the Book(s) and Page(s) on which the deeds are recorded in the Kennebec County Registry of Deeds.

Administrative Item: John Haefele is not included as a vendor in the state's accounting system. I have enclosed an additional New Vendor/Vendor Update Form to complete so he can be added to the state's accounting system. Any payment of the claim cannot take place until this is completed.

Since Mrs. Haefele already has Vendor ID# in the state's accounting system, she will not need to submit a New Vendor/Vendor Update Form for her lost wages claimed.

**Cumming, James**

**From:** Cumming, James  
**Sent:** Friday, August 04, 2006 11:52 AM  
**To:** Beane, John E  
**Cc:** Davis, Dan  
**Subject:** RE: SITE VISIT - HAEFELE IN WINTHROP

SAW CALLS  
1200 8/4/06  
8/25/06 AM 11  
DLD

Thanks, John. I haven't heard back from Dan yet, but this should be a go. Mr. Haefele has requested that we visit as early in the AM as possible. There's still time to work out the details on that.

**From:** Beane, John E  
**Sent:** Friday, August 04, 2006 10:30 AM  
**To:** Cumming, James  
**Subject:** RE: SITE VISIT - HAEFELE IN WINTHROP

Hi Jim,

I've marked my calendar for Friday morning, August 25th.

John

8/4/06  
1480 Summary  
w/ Julie  
Haefele  
@ 377-2322  
we show to ARR  
0830, 0/10

**From:** Cumming, James  
**Sent:** Thursday, August 03, 2006 2:24 PM  
**To:** Davis, Dan; Beane, John E  
**Subject:** RE: SITE VISIT - HAEFELE IN WINTHROP

It looks like our collective schedules allow for a lot of flexibility. I'll contact the claimant and try to set up an AM meeting on Aug 15, 17, 22, 24, or 25 and let you know. Thanks!

**From:** Davis, Dan  
**Sent:** Thursday, August 03, 2006 1:49 PM  
**To:** Beane, John E; Cumming, James  
**Subject:** RE: SITE VISIT - HAEFELE IN WINTHROP

Response has unit meetings every Monday morning. I can skip out but prefer not to. Friday, the 18<sup>th</sup> is scheduled training for me. For the rest of the days, earlier is better since the later in the day we go increases the likelihood of something coming along and trumping my plans.

**From:** Beane, John E  
**Sent:** Thursday, August 03, 2006 11:06 AM  
**To:** Cumming, James; Davis, Dan  
**Subject:** RE: SITE VISIT - HAEFELE IN WINTHROP

I'm open that week except for Monday morning (8-21) and all day Wednesday (8-23).

**From:** Cumming, James  
**Sent:** Thursday, August 03, 2006 11:01 AM



**To:** Davis, Dan; Beane, John E

**Subject:** SITE VISIT - HAEFELE IN WINTHROP

I am trying to set up a site visit to start the process of evaluating residual oil contamination on this property as a result of the Winthrop Commerce Center spill. In talking with John, the next step is to set a site visit to scope out the situation. After that, John can set up a sampling program to see what's there. There will be subsequent visit (s) to do the actual sampling. I was hoping to set up the initial visit for sometime the week of August 14. John's schedule looks OK that week except for the 16<sup>th</sup>. The 14<sup>th</sup> and 18<sup>th</sup> don't look good for me, but I'm otherwise OK. This already narrows our options quite a bit, even before I try to schedule with the claimants, but does still leave 15<sup>th</sup> and 17<sup>th</sup> open. We should probably expand out calendar review to the week of Aug. 21 to give us more options. For the week of Aug. 21, the 22<sup>nd</sup> and 25<sup>th</sup> would be best for me.

John, how does your calendar look for the week of Aug 21?

Dan, how about you for the 2 weeks?

Thanks in advance. This process will go a long way toward ensuring appropriate compensation to the claimants.

8/4/2006

8/3/06

① 1415 - TRUCK JIMIE H. 624-8539 (cell)  
OUT OF OFFICE TILL 8/7, VISIT  
WINTHROP.

**Cumming, James**

**From:** Cumming, James  
**Sent:** Thursday, August 03, 2006 2:24 PM 1430  
**To:** Davis, Dan; Beane, John E  
**Subject:** RE: SITE VISIT - HAEFELE IN WINTHROP

② CONNOR JOHN HARRIS  
207-441-5869 (cell)  
HE WILL CALL BOUCE  
ON SATURDAY I HAVE HIM  
BY SCHEDULE

It looks like our collective schedules allow for a lot of flexibility. I'll contact the claimant and try to set up an AM meeting on Aug 15, 17, 22, 24, or 25 and let you know. Thanks!

**From:** Davis, Dan  
**Sent:** Thursday, August 03, 2006 1:49 PM  
**To:** Beane, John E; Cumming, James  
**Subject:** RE: SITE VISIT - HAEFELE IN WINTHROP

8/4/06 OEBU JOHN HARRIS  
CALLS AM  
8/5 153455

Response has unit meetings every Monday morning. I can skip out but prefer not to. Friday, the 18<sup>th</sup> is scheduled training for me. For the rest of the days, earlier is better since the later in the day we go increases the likelihood of something coming along and trumping my plans.

↓  
CONFIRM  
VIA  
VULCA  
MAIL

**From:** Beane, John E  
**Sent:** Thursday, August 03, 2006 11:06 AM  
**To:** Cumming, James; Davis, Dan  
**Subject:** RE: SITE VISIT - HAEFELE IN WINTHROP

I'm open that week except for Monday morning (8-21) and all day Wednesday (8-23).

377-2322  
OEBU WINTHROP  
50001  
7-7952

**From:** Cumming, James  
**Sent:** Thursday, August 03, 2006 11:01 AM  
**To:** Davis, Dan; Beane, John E  
**Subject:** SITE VISIT - HAEFELE IN WINTHROP

OEBU JOHN HARRIS  
153455  
7-7635

I am trying to set up a site visit to start the process of evaluating residual oil contamination on this property as a result of the Winthrop Commerce Center spill. In talking with John, the next step is to set a site visit to scope out the situation. After that, John can set up a sampling program to see what's there. There will be subsequent visit (s) to do the actual sampling. I was hoping to set up the initial visit for sometime the week of August 14. John's schedule looks OK that week except for the 16<sup>th</sup>. The 14<sup>th</sup> and 18<sup>th</sup> don't look good for me, but I'm otherwise OK. This already narrows our options quite a bit, even before I try to schedule with the claimants, but does still leave 15<sup>th</sup> and 17<sup>th</sup> open. We should probably expand out calendar review to the week of Aug. 21 to give us more options. For the week of Aug. 21, the 22<sup>nd</sup> and 25<sup>th</sup> would be best for me.

John, how does you calendar look for the week of Aug 21?  
Dan, how about you for the 2 weeks?

Thanks in advance. This process will go a long way toward ensuring appropriate compensation to the claimants.



**Cumming, James**

---

**From:** Cumming, James  
**Sent:** Thursday, August 03, 2006 11:01 AM  
**To:** Davis, Dan; Beane, John E  
**Subject:** SITE VISIT - HAEFELE IN WINTHROP

*REVISIT CE & H  
3 PM & JOHN BEANE*

I am trying to set up a site visit to start the process of evaluating residual oil contamination on this property as a result of the Winthrop Commerce Center spill. In talking with John, the next step is to set a site visit to scope out the situation. After that, John can set up a sampling program to see what's there. There will be subsequent visit (s) to do the actual sampling. I was hoping to set up the initial visit for sometime the week of August 14. John's schedule looks OK that week except for the 16<sup>th</sup>. The 14<sup>th</sup> and 18<sup>th</sup> don't look good for me, but I'm otherwise OK. This already narrows our options quite a bit, even before I try to schedule with the claimants, but does still leave 15<sup>th</sup> and 17<sup>th</sup> open. We should probably expand out calendar review to the week of Aug. 21 to give us more options. For the week of Aug. 21, the 22<sup>nd</sup> and 25<sup>th</sup> would be best for me.

John, how does you calendar look for the week of Aug 21?

Dan, how about you for the 2 weeks?

Thanks in advance. This process will go a long way toward ensuring appropriate compensation to the claimants.

8/3/2006

**Cumming, James**

---

**From:** Whittier, Scott  
**Sent:** Wednesday, July 19, 2006 12:38 PM  
**To:** Cumming, James; Blanchard, Peter J; Hyland, Mark  
**Subject:** RE: HAEFELE 3PDC; WINTHROP (A-157-2005)  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

We cannot pay loss of use damages as the statute is specific as to what we are authorized to pay for and loss of use is not identified. The claimants will need to sue in the dcourts for loss of use or trespass damages.

---

**From:** Cumming, James  
**Sent:** Wednesday, July 19, 2006 11:38 AM  
**To:** Whittier, Scott; Blanchard, Peter J; Hyland, Mark  
**Subject:** HAEFELE 3PDC; WINTHROP (A-157-2005)

I just received the subject third party claim relative to the Winthrop Commerce Center spill. The Haefeles seek the following damages:

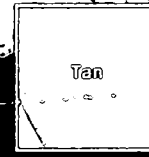
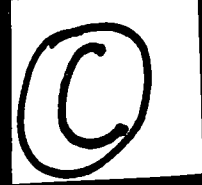
- Lost pay in the amount of \$332.96 for 2 days of work they missed to be present for certain remedial activities at their property.
- \$300.00 for 2 oiled dog beds (their pets dragged in oil from the Annabessacook lake shore).
- An unspecified amount for "loss of use" of their property.
- An unspecified amount for "property devaluation" to be determined by a DEP funded appraisal.

My preliminary opinion is:

- The 1<sup>st</sup> two items are reasonable assuming that the claimants can provide payroll documentation, receipts, etc. They have not done so at this point.
- I visited the property within 2 days of the spill and was extremely impressed with the cleanup. I will need to meet with field staff to go over their opinion on the condition of the property. The claimants have provided no basis for the "loss of use" claimed". We have not supported such claims in the past, and my preliminary response is that it isn't justified in this case either.
- With regards to "property devaluation", the Department has agreed to fund an appraisal. We will need to discuss the most expeditious, streamlined way to do that.



A  
Green



## Bolstered Dog Bed

A. Designed for your dog's comfort, with a bolster for extra support and a sense of security—especially for older dogs. Sleeping area is covered with fleece, surrounded by a denim bolster. Cover removable for cleaning. Fleece is polyester/acrylic, denim is cotton (Blue) or cotton/polyester (Green and Tan). Features our Dry-Weave® nylon fabric on the polyester/cotton on the bottom. Polyester fill imported. Machine wash and dry cover. Spot clean. Colors Green. Tan. Blue.

RH50440

Small Overall dimensions 38"W x 37"D \$

Medium Overall dimensions 46"W x 42"D \$

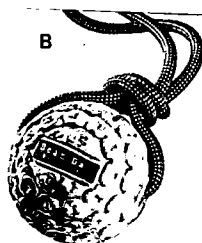
Large Overall dimensions 55"W x 50"D \$

## NEW Bean Ball Dog Toy

B. Dogs love the easy-to-grab surface of this exclusive toy, modeled after the tread on our own L.L.Bean Boots®. Made for use by Planet Dog®, using their super Orbee-Tuff™ material. 3" diam. ball is attached to a nylon cord for easy throwing. Synthetic rubber ball. Made in Maine.

RH49852 \$11

*This is what we had. They no longer make this item*



## Collar

Your dog can be identified in 12 different sizes, with pet's name and number engraved clearly in strong black characters and 1" Collar holds up to 12" of comfortable, long-lasting nylon. Features a quick buckle and ring. USA. Shipping time. Please ask.

Small \$16.50

Large \$16.50



C

Orange



Black



Red



Blue

B  
Denim

With a custom bed this comfortable, you won't have to train your dog to sit, stay and lie down

### Reversible Pet Blanket

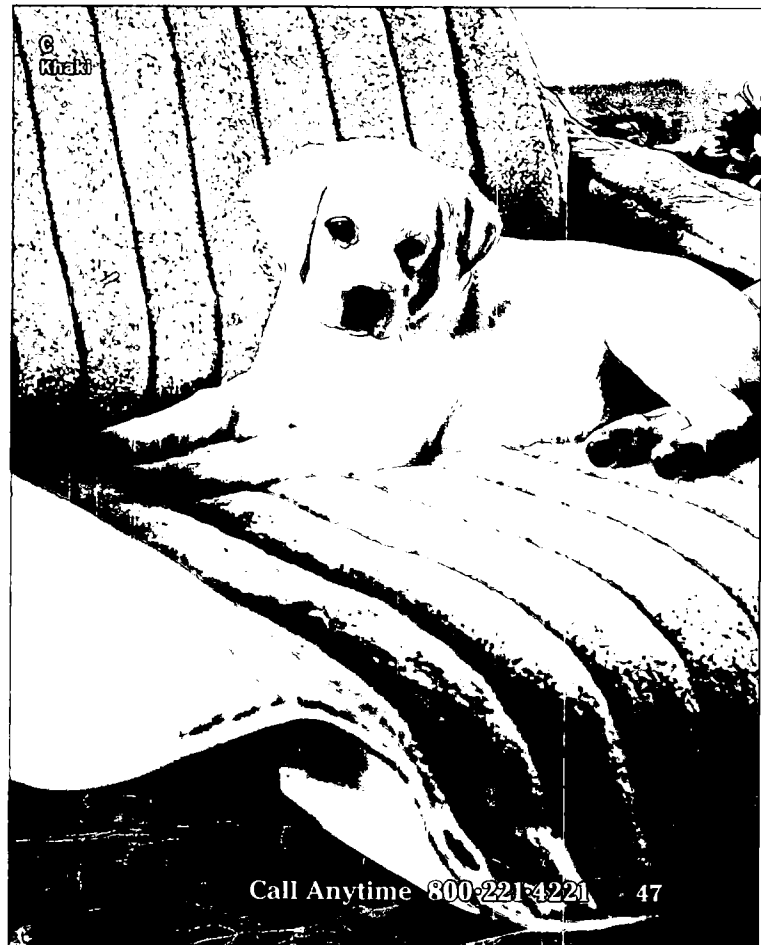
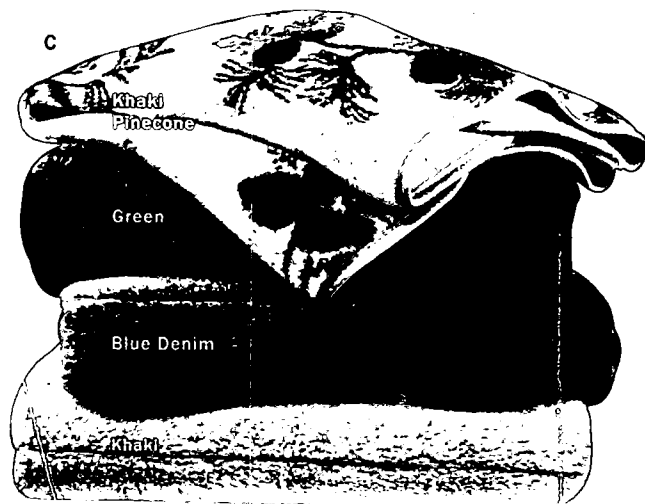
C. Serves double duty as a travel bed and cover for car or furniture upholstery. Soft, fluffy fleece reverses to durable twill for twice the wear. Quilted polyester fleece and batting, polyester/cotton twill fabric. USA. Machine wash and dry.  
Colors Khaki Pinecone. Green. Blue Denim. Khaki.

RH25073

Medium 29" x 37" \$34

Large 48" x 58" \$59

Extra-Large 90" x 58" \$99



## THIRD PARTY DAMAGE CLAIM FORM

**SECTION I: INSTRUCTIONS FOR FILING A THIRD PARTY DAMAGE CLAIM, PURSUANT TO THE OIL DISCHARGE PREVENTION & POLLUTION CONTROL ACT (38 M.R.S.A., Section 541 et. seq.) AND THE UNDERGROUND OIL STORAGE FACILITIES AND GROUNDWATER PROTECTION ACT (38 M.R.S.A., SECTION 561 et. seq.).**

The third party damage claims process is established to provide compensation to individuals who have been damaged due to a discharge of oil. Damages compensable through this program are limited by statute to property damages, actual economic damages, including, but not limited to, loss of income and medical expenses, directly or indirectly as a result of a discharge of oil. Awards for damages through this program are limited by statute to \$200,000.00 per claimant; except in the case of a discharge to coastal waters, for which damage awards are unlimited. Claims must be filed within two (2) years of the occurrence or discovery of the injury or damage, whichever date is later; except in the case of a discharge to coastal waters, whereby claims must be filed within one (1) year of the discharge. **Individuals/parties determined responsible for the discharge are precluded from filing a claim.**

Any and all damages claimed should be documented with evidence in the form of receipts, invoices, canceled checks, cost estimates, photographs, affidavits, medical records etc.. In some cases, final settlement of the claim will not be feasible until either the contaminated water supply is replaced, air vapor problem alleviated or remediation of the site completed.

**Please fill out the claim form completely, do not leave any questions blank. If the information is unknown, not applicable, or located in the Department's files, please indicate so.** Staff from the Oil Remediation and Claims Unit are available to meet with claimants for assistance in completing the claim application. To set up a meeting, please call (207) 287-2651 and ask to speak with an individual in the Oil Remediation and Claims Unit. Office hours are 8:00 - 5:00, Monday through Friday. Once the claim is filed, a staff person will be assigned to assist the claimant throughout the settlement process. The claims program is designed to provide individuals damaged by a discharge of oil an avenue to seek compensation for those damages without the assistance of an attorney. Claimants who desire may obtain the services of an attorney; however, it is not necessary to have an attorney to file a claim and legal fees associated with the preparation and prosecution of a third party damage claim are not compensable through the claims program.

Claimants are encouraged to contact the person(s) or entity(s) believed responsible for the discharge in order to provide the party(s) an opportunity to settle or resolve the claim directly.

**When filled out completely, signed and notarized, the claim, a copy of the title to any property for which real property damages are claimed and all supporting documents should be mailed to:**

Maine Department of Environmental Protection  
State House Station #17  
Augusta, Maine 04333  
Attn: Oil Remediation and Claims Unit

SECTION II: GENERAL INFORMATION

1. Name of claimant(s): JOHN HAEFELE

(hereinafter "claimant")

Social Security or Tax I.D. # [REDACTED]

2. Claimant is:  Individual  Partnership  
 Corporation  (other) Specify: \_\_\_\_\_

3. Permanent address of claimant: PO Box 99  
44 Kayla Drive  
WINTHROP, ME 04364

4. Mailing Address of claimant (if different):  
SAME

5. Telephone number where claimant may be reached:  
Office: (207) - 441-5869  
Home: (207) - 377-2322

6. Contact person (name, address, telephone#): tele.# 207 ~~207~~ - ~~4248~~  
(If other than claimant): JULIE HAEFELE 624-8539

7. Department staff that you have been in contact with:  
STEVE DAVIS / Commissioner Littell  
DAWN GALLISHER

SECTION III: INFORMATION RELATING TO THE DISCHARGE

Note: If additional space is required for any of these questions, please attach a separate sheet and number it correspondingly.

1. Please describe the discharge which you believe caused the damages being claimed(i.e. date of discovery, how it was discovered, origin of the discharge and the individual responsible for the discharge, etc.):

See Attached Listed #1

2. If real property has been impacted by the discharge, is it:(please circle one) (residential) (commercial) (industrial) (other). How has the property been impacted by the discharge (i.e. contaminated water supply, petroleum vapors, etc.):

See attached Listed #2

3. Have you or anyone else contacted the person/entity you believe is responsible for the discharge regarding liability for your damages? YES If so, please indicate the result of such contact (please provide copies of any relevant correspondence):

Spoke with Louis Carrier Jr, OWNER of WCC. MR. Carrier referred us to DEP for compensation.  
- See Attached

4. Have you received any compensation for any damages caused by the discharge by way of settlement with the responsible party or their representatives, court award, or insurance claim? NO If so, describe in full:



SECTION IV: INFORMATION RELATING TO DAMAGES CLAIMED

**Note:** All damages claimed must be substantiated with evidence (i.e. invoices, cancelled checks, accounting records, financial documents, cost estimates, photographs, affidavits, medical records, etc.). For claims of loss of income/profits, please describe in detail the precise manner in which the damage amount(s) was calculated as well as providing all financial documents and/or information used in the calculations. For claims to property devaluation, an appraisal of the property must be conducted by a licensed property appraiser to determine the amount of devaluation. In some cases, the Department may arrange for and finance the appraisal. Department financing of the appraisal will be decided on a case by case basis. **Claimants should consult with Department staff prior to making arrangements for any property appraisal to be conducted.**

1. Please describe in detail the damages sought by this claim:

See Attached - Listed Section IV; #1

2. Please describe in detail how the discharge of petroleum caused the damages claimed:

See Attached - Listed Section IV - #1

3. Please describe in detail all actions taken by the claimant to minimize any and all damages suffered:

See Attached - Listed IV # 1

PLEASE SUMMARIZE TOTAL DAMAGES SOUGHT THROUGH THIS CLAIM:

Please indicate the actual damage amounts claimed by category. Note: If damage amounts are unknown at the time of filing the claim, please indicate so on the lines below.

- A. PROPERTY DAMAGE: UNKNOWN / TO BE DETERMINED
- B. LOSS OF INCOME/PROFITS: 2 days - 1-July 1-John <sup>See Attached</sup>
- C. MEDICAL EXPENSES: NONE
- D. OTHER DAMAGES: unknown / To be determined
- E. TOTAL DAMAGES CLAIMED: ?

Damage claims may be amended at any time prior to an award being made or a request from the Commissioner for a finalized damage amount. Damages omitted from any claim at the time the award is made are deemed "waived," unless the damage or injury was not known at the time of the award.

By filing this claim, the claimant consents to the inspection by the Department and/or independent hearing examiner and their representatives or agents of the real and personal property claimed, and to the inspection of any financial and medical records, statements, documents information, etc. which may exist that are pertinent to determine/document damages claimed.

Claimant hereby represents and warrants that all information contained in this claim, including attachments, is true and correct to the best of the claimant's knowledge and belief and that the person signing on behalf of the claimant, if different from the claimant, is duly authorized to do so by the claimant.

Claimant understands that the Commissioner may require that the amount of the claim be finalized prior to forwarding the claim to an independent hearing examiner for determination of damages, pursuant to title 38 M.R.S.A., Section 569-A.2(J).

Claimant or his/her representative by this signature hereby states that the damages set forth herein at the time the Commissioner requests a finalized amount of said damages or the claim is remitted to an independent hearing examiner for determination of damages represents all damages to the claimant arising out of the discharge, to the claimant's best knowledge and belief, and understands that pursuant to 38 M.R.S.A., Sections 551.2(C) and 569-A.2(D), damages omitted from this claim at the time any award is made are deemed "waived," unless the damage or injury was unknown at the time the award was made.

Claimant further understands that pursuant to 38 M.R.S.A., Section 349.3, any falsification of information contained in this document is punishable by fines, imprisonment, or both.

Signed at Winthrop (municipality) Maine (State) on this 16th day of July, 2006

Claimant(s) John Haefele (Signature of Claimant) Julie Haefele (Signature of Claimant)

Now personally appeared John Haefele before me and made oath that all the foregoing is true to the best of his/her information, knowledge, belief.

James Franchetti (Notary Public or Attorney at Law)

Commission Expires 3/30/11

DORIS A. WHITAKER Notary Public, Maine My Commission Expires March 5, 2009

Now personally appeared Julie Haefele before me and made oath that all foregoing is true to the best of this/her information, knowledge, belief. Doris Whitaker

### Third Party Damage Claim Responses:

1. Please describe the discharge which you believe caused the damaged being claimed, how it was discovered, origin of the discharge and the individual responsible for the discharge?

On April 8, 2005, my son, Joshua Haefele called my wife, Julie at work to alert her that he had taken his dog and our two dogs down to the lake and our dogs had come back with "black" on them. Josh said it looked like tar and he had taken as much of it off the dogs as he could. He put our dogs inside the house and left for home (he lives in Raymond, Maine). When Julie arrived home, she found several areas of heavy black coating in several areas of the house.

We cleaned the house as much as we could and gave the dogs a bath. Not knowing at the time we were dealing with #6 bunker oil, we put the dogs in our bathtub, which ended up being stained with oil as well. Because the substance would not come off Kobe (our black dog), we had to shave him down and remove the majority of his fur.

The next morning, April 9, 2005, we went down to the lake and saw a large amount of oil coating the shoreline and large amounts floating in the water. It was at that time that I reported it to the Winthrop Police Department, who in turn called the Department of Environmental Protection. When DEP arrived, they confirmed that the substance was #6 heating oil (bunker oil) and most likely originated from the old Carlton Woolen Mill, now known as the Winthrop Commerce Center (WCC). DEP's investigation has since determined that the oil did in fact come from underground tanks located under the boiler room under the WCC.

2. If real property has been impacted by the discharge, how was the property impacted by the discharged?

The property is residential and has been impacted by the discharge in numerous ways. The oil coated the shoreline of our property. Due to the extremely high water levels, approximately 8 feet of shoreline was saturated with oil. The trees that still reside on the property have visible rings around them approximately 4-5 feet high on them that show the height of the water level at the time of the spill. In addition to the property (waterfront property), our dogs tracked oil into our home before we could have prevented it.

3. Have you or anyone else contacted the person/entity you believe is response for the discharge, if yes, please indicate the result of such contact:

We have contacted the WCC via mail and have received a response from the WCC via mail (see attached copies of correspondence). The WCC

doesn't feel they should be held responsible for any liabilities and referred us to DEP's third party claim process.

4. Have you received any compensation for any damages caused by the discharged by way of settlement with the responsible party or their representatives, court aware, or insurance claim?

No, we have not received any compensation for our losses or damages.

#### Section IV:

The damages sought by this claim:

- John Haefele – 1 day of pay (10-hours) - \$198.00. I was asked by EPI if I could be available to them for use of my tractor to haul items to and from the lake from the lakes access road located on my property. I agreed and I took the day off from work unpaid.
- Julie Haefele – 1 day of pay (8 hours) - \$134.96 (May 2, 2005 (ServPro internal cleaning).
- Two dog beds that were coated with oil \$300.00
- We are seeking monetary damages for loss of us. Because the shoreline was coated with oil, we are unable to dock our boat or use the waterfront property. There isn't anyone at DEP or any other agency that can guarantee me that the oil is 100% removed from my property. Steve Davis of DEP said, in time, Mother Nature will clean up it. As a result, there is potential for more damages and losses should we use the property. Each time we've walked the property since the spill, we've come back with oil on our shoes and pants (from branches still coated with oil). DEP has told us it will be 2-3 years before Mother Nature cleans it naturally. Because of this, we have chosen not to use the property to prevent further losses and damages.
- We are not asking for reimbursement for the small items such as blankets, pillows, towels and other items that were lost however, in addition to the items listed above, we are requesting that our property be appraised to determine if any devaluation has occurred as a result of the oil spill. If the property value has decreased as a result of the spill, we are seeking the difference in the value of the property before the spill and the value of the property now.

Thank you for your consideration. I look forward to hearing from you.

Sincerely,

John Haefele





RECEIVED

2006 JUL 18 P 2: 27

MAINE D.E.P.

RECEIVED

2006 AUG 29 P 12: 46

MAINE D.E.P.

clb

*E* 8/25/06

Third Party Damage Claim Response to James S. Cummings

(Additional information needed). - Spill # A-157-2005

1. Lost wages for John Haefele. Per your request, I have enclosed a copy of my paycheck for the period of April 11, 2005, which is the day I assisted the field staff with cleanup. I also enclosed copies of my pay stubs for the week before and the week after so you can see the average of my pay. I am paid overtime on a daily basis for anything over 8 hours, vs. receiving overtime for anything over 40 hours. Therefore, I am seeking reimbursement of \$201.69 in wages for April 11, 2006. The following formula is what I used to determine lost wages: (See Exhibits B):

Earnings Statement for period ending 4/9/05 – gross was \$974.08

Earnings Statement for period ending 4/16/06 – gross was \$782.85

Earnings Statement for period ending 4/23/06 – gross was 1042.82

Total earned for periods ending 4/9/05 and 4/23/06 (week before and week after) equals \$2,016.90. I then divided this total by 2 (2-weeks pay), which = and average of \$1,008.45 per week and \$201.69 per day. ✓

2. Wages for Julie Haefele: Please find enclosed a copy of Julie Haefele's pay stub for period beginning 4/24/05 and ending on 5/7/05. As you will see, she had to use 8 hours of vacation time on May 2, 2005 to be at home for the cleaners to clean up from the spill. Therefore, we are seeking reimbursement of \$138.80 in wages for Julie. ✓ See Exhibit A.

3. Two Dog Beds. The beds that were ruined by the spill were purchased at LL Bean. LL Bean no longer makes those beds nor do we have the original receipt for them. I have attached copies from LL Bean and Dr.'s Foster & Smith of replacement beds similar in nature and the cost to replace them. The prices range from \$129.00 to \$179.99. See Exhibit C.

4. Loss of Use: To be discussed under property devaluation.

5. Property Deed: Attached you will find a copy of the deed for the property. See exhibit D.

6. Vender Form: I have completed the Vender form per your request.

Both Julie and I are signing this letter as you requested that Julie needs to sign the third party damage claim in order to be reimbursed for lost wages.

Sincerely,

*John Haefele*

John Haefele

*John W. Haefele*

John W. Haefele

*08/29/06*

Date

*Julie F. Haefele*

Julie F. Haefele

*8/24/04*

Date

John Haefele Third Party Damage Claim (DEP Spill #A-157-2005)

1. Lost wages for John Haefele: \$198.00 is sought for 1 day of pay. Department field staff has confirmed the presence of Mr. Haefele on site to assist in the cleanup, so the Department is likely to support an award for this item. However, the material submitted does not thus far include payroll records (copies of time cards, pay stubs, etc. that indicate personal time was used for this time period) to substantiate the amount sought. Please forward this documentation to me at your earliest convenience. The State is required to report awards for lost wages to the Internal Revenue Services for tax purposes. Reporting is done separately for each taxpayer ID#. ✓
2. Lost Wages for Julie Haefele: \$134.96 is sought for 1 day of pay. Department field and Claims staff has confirmed the presence of Mrs. Haefele on site during indoor cleanup work by ServPro. However, the material submitted does not thus far include payroll records (copies of time cards, pay stubs, etc. that indicate personal time was used for this time period) to substantiate the amount sought. Please forward this documentation to me at your earliest convenience. The State is required to report awards for lost wages to the Internal Revenue Services for tax purposes. Reporting is done separately for each taxpayer ID#. Therefore, Mrs. Haefele will also need to sign the Third Party Damage Claim for this portion of the damages claimed to be considered. ✓
3. Two Dog Beds: You seek \$300.00 for damage to this personal property. Department staff was on site to confirm the oiling of two dogs beds when your pets tracked in oil from the Annabessacook Lake shore. However, your claim provides no basis for how the dollar amount sought was determined. At your earliest convenience, please provide documentation in the form of copies of receipts for your replacement costs or purchase of the original items. ✓
4. Loss of Use: "Loss of use" is not an actual economic damage and is therefore not compensable through the Third Party Damage Claim process. The existence of any residual oil contamination and any damage award that the Department can support as a result of contamination to real property will be evaluated with regard to the "property devaluation" portion of your claim.
5. Property Devaluation: The Department is developing background information to evaluate this portion of your claim. Department staff intends to visit your property and other lakeshore locations to evaluate any residual oil contamination. Water and soil samples may be taken. As arranged, a visit to your property has been scheduled for Friday, August 25 at 8:30 AM. Once the Department develops the necessary background information, it will be provided to a licensed real estate appraiser as part of the review to determine any loss in the value of your property as a result of this discharge.

In the interim, please provide a copy of the deed(s) to the property or properties for which damages are claimed. This is needed to demonstrate right, title, and interest in the property or properties for which damages are claimed. A review of

Winthrop's tax records indicates that John Haefele is the owner or co-owner of at least 2 parcels, Lots 40 and 40D on Tax Map 5. Please ensure that the copies of the deed(s) you provide show the Book(s) and Page(s) on which the deeds are recorded in the Kennebec County Registry of Deeds.

Administrative Item: John Haefele is not included as a vendor in the state's accounting system. I have enclosed an additional New Vendor/Vendor Update Form to complete so he can be added to the state's accounting system. Any payment of the claim cannot take place until this is completed.

Since Mrs. Haefele already has Vendor ID# in the state's accounting system, she will not need to submit a New Vendor/Vendor Update Form for her lost wages claimed.



JULIE HAEFELE

(A)

STATE OF MAINE 6500 PUBLIC UTILITIES COMMISSION				Bureau Division Office Section		ADVICE NO. 6500-24			
Name JULIE F HAEFELE		MSTAMS-ID A123389		700 103 0		Check Date : 05/18/2005 Period Begin : 04/24/2005 Period End : 05/07/2005			
Tax (W4) Info:		Federal	State	Benefits		Coverage		Time off w/o pay	
MARITAL STATUS ALLOWANCES ADDITIONAL AMOUNT FLAT AMOUNT		MARRIED 0	MAR JNT 0 20.00	HEALTH INSURANCE DENTAL INSURANCE LIFE INS BASIC LIFE INS SUPP		EMPLOYEE ONLY EMPLOYEE ONLY		Desc Curr YTD	
EARNINGS		HOURS	RATE	CUR AMT	YTD AMT	DEDUCTIONS		CUR AMT	YTD AMT
REGULAR		72.00	17.35	1249.20	11015.40	SUPPLEMENTAL LIF INS		7.14	63.56
OTIME 2					835.31	HARTFORD		104.00	1040.00
COMP TIME					33.00	TOTAL DEDUCTIONS		217.32	2198.06
HOLIDAY					666.80				
IMPUTED LIFE INS					0.18	STATE PAID CONTRIB			
VACATION		8.00		138.80	832.80	ME ST RETIREMENT		83.84	864.19
SICK TIME PAID					924.00	HEALTH INSURANCE		301.11	2901.84
TOTAL EARNINGS				1388.00	14307.49	DENTAL INSURANCE		11.10	111.00
TAXES WITHHELD						BASIC LIFE INSURANCE		7.14	63.56
FEDERAL INCOME TAX					102.44	RETIREE HEALTH INS		153.10	1578.12
MEDICARE					20.13	ME ST RETIRE NF LIAB		106.88	1101.69
MAINE INCOME TAX					97.00	ME ST RETIRE ADM CST		7.36	75.86
TOTAL TAXES				219.57	2298.06	WORKERS COMPENSATION		38.00	380.00
DIRECT DEPOSIT						TOTAL STATE PAID		708.53	7076.26
SAVINGS1					50.00				
CHECKING1					901.11				
TOTAL DEPOSITS					951.11				
DEDUCTIONS									
ME ST RETIREMENT					106.18				
Earnings Summary		Gross Pay		NonTxbl Amt(-)	FedTxbl Wages	NonPd Earngs (-)	Taxes (-)	Deductions (-)	Net Pay
Current Period		1388.00		210.18	1177.82	0.00	219.57	217.32	951.11
Year-To-Date		14307.49		2134.50	12172.99	0.18	2298.06	2198.06	

\*\* P=PRE TAX DEDUCTION; N=NON-PAID EARNING; X=NON TAXABLE EARNING  
 NON TXBL AMT=PRETAX DEDUCTS(P)+NON-TXBL EARNING(X) NET PAY=(GROSS PAY-NONPAID EARNINGS-TAXES-DEDUCTIONS)

**\$ 138.80**

FOLD AND TEAR ↓

6500 PUBLIC UTILITIES COMMISSION

ADVICE NO: 6500-24  
 ADVICE DATE: 05/18/2005

BANK/ROUTING NUMBER: 211287340 ACCOUNT NO: 47688 50.00  
 211287340 3044976 901.11

TOTAL DEPOSIT AMOUNT: 951.11

JULIE F HAEFELE  
 BX 99  
 HOLMES ROAD  
 WINTHROP ME 04364

**STATE OF MAINE**  
**ADVICE OF DEPOSIT**

NOT NEGOTIABLE

NOT NEGOTIABLE - ADVICE OF DEPOSIT ONLY

8 hrs @ 17.35 = 138.80



### Time and Attendance

Employee: [Timesheet](#) - [Employee History](#) - [Leave](#) - [Profile](#) - [Change Password](#) - [Change Signature](#)  
 Supervisor: [Approval List](#)

[Reports](#) [Help Topics](#) [Self Service](#) [Exit MS-TAMS](#)

## TIMESHEET SCREEN

<u>Job Class Title</u>	<u>Pay Period Ending</u>	<u>Status</u>	<u>Name</u>	<u>Version</u>
SENIOR CONSUMER ASST SPEC	05/07/2005	Approved By Payroll	Haefele, Julie F	1

**Week 1**

Su Apr 24	M Apr 25	Tu Apr 26	W Apr 27	Th Apr 28	F Apr 29	Sa Apr 30	Description	Project	Task	Cos
							Hours Week 1	Total Pay Hrs	Total Non-Pay Hrs	

**Week 2**

Su May 01	M May 02	Tu May 03	W May 04	Th May 05	F May 06	Sa May 07	Description	Project	Task	Cos
							Hours Week 2	Total Pay Hrs	Total Non-Pay Hrs	

Update Comments

Comment (date is required when adding a comment)

Date En


[Go to MS-TAMS Help](#)

JOHN HAEFELE



0000151759 093465-093465  
043300000 1013320802  
Federal Express Corporation  
2007 Corporate Ave.  
5th Floor - U.S. Payroll  
Memphis, TN. 38132

# Earnings Statement

3

Page 001 of 001  
Period Ending: 04/09/2005  
Advice Date: 04/15/2005  
Advice Number: 17938182  
Batch Number: CA3188705

Taxable Marital Status: S  
Exemptions/Allowances

Federal: 0, 0.00 Additional Tax  
State: 0, 0.00 Additional Tax  
Local:

JOHN W. HAEFELE

Earnings	rate	hours	this period	year-to-date
Reg Earn	19.08	40.00	763.20	9224.05
Overtime		6.32	180.88	2445.89
Finders			30.00	30.00
ExcessLife #				60.66
FltgHoliday				296.32
Hol Cash				148.16
Vacation				1674.56

OVERTIME PAID DAILY

Taxes	this period	year-to-date
Fed Withholdng	123.27	1695.89
Fed MED/EE	13.62	193.75
Fed OASDI/EE	58.25	828.45
ME Withholdng	36.00	491.00

Gross Pay 974.08 13818.98  
Fed Tax Wages 793.47 11289.30  
# Non Cash Earnings and Benefits  
\* Excluded from Federal Taxable Wages

TOTAL GROSS	974.08	13818.98
TOTAL TAXES	231.14	3209.09
TOTAL DEDUCTIONS	188.00	2699.32
NET PAY	554.94	7910.57

WEEK BEFORE: \$974.08

WEEK AFTER \$1,042.82

2,016.90

Average per week \$1,008.45

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TEAR HERE

VERIFY DOCUMENT AUTHENTICITY BY COLORED AREA AND CHANGE IN TONE GRADUALLY AND EVENLY FROM DARK AT TOP TO LIGHTER AT BOTTOM



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5th Floor - U.S. Payroll  
Memphis, TN. 38132

Advice Number: 17938182  
Advice Date: 04/15/2005  
0000151759

Deposited to the account of  
JOHN W. HAEFELE

Account Number  
90358764

Amount  
554.94

THIS IS NOT A CHECK

AVERAGE PER DAY \$201.69



0000151759 093526-093526  
 043300000 1013320802  
 Federal Express Corporation  
 2007 Corporate Ave.  
 5th Floor - U.S. Payroll  
 Memphis, TN. 38132

# Earnings Statement

(B)

Page 001 of 001

Period Ending: 04/16/2005  
 Advice Date: 04/22/2005  
 Advice Number: 18023850  
 Batch Number: CA3221281

Taxable Marital Status: S  
 Exemptions/Allowances  
 Federal: 0, 0.00 Additional Tax  
 State: 0, 0.00 Additional Tax  
 Local:

**JOHN W. HAEFELE**

Earnings	rate	hours	this period	year-to-date
Reg Earn	19.08	32.00	610.56	9834.61
Overtime		6.02	172.29	2618.18
ExcessLife #			21.38	82.04
Finders				30.00
FltgHoliday				296.32
Hol Cash				148.16
Vacation				1674.56

Taxes	this period	year-to-date
Fed Withholdng	87.98	1783.87
Fed MED/EE	11.16	204.91
Fed OASDI/EE	47.73	876.18
ME Withholdng	26.00	517.00

Gross Pay 782.85 14601.83  
 Fed Tax Wages 652.30 11941.60  
 # Non Cash Earnings and Benefits  
 \* Excluded from Federal Taxable Wages

TOTAL GROSS	782.85	14601.83
TOTAL TAXES	172.87	3381.96
TOTAL DEDUCTIONS	159.32	2858.64
NET PAY	450.66	8361.23

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Advice Number: 18023850  
 Advice Date: 04/22/2005  
 0000151759

Deposited to the account of	Account Number	Amount
JOHN W. HAEFELE	90368764	450.66

THIS IS NOT A CHECK



0000151759 093700-093700  
 043300000 1013320802  
 Federal Express Corporation  
 2007 Corporate Ave.  
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# Earnings Statement

(B)

Page 001 of 001

Period Ending: 04/23/2005  
 Advice Date: 04/29/2005  
 Advice Number: 18084126  
 Batch Number: CA3253522

Taxable Marital Status: S  
 Exemptions/Allowances

Federal: 0, 0.00 Additional Tax  
 State: 0, 0.00 Additional Tax  
 Local:

**JOHN W. HAEFELE**

Earnings	rate	hours	this period	year-to-date
Reg Earn	19.08	40.00	763.20	10597.81
Overtime		9.77	279.62	2897.80
ExcessLife #				82.04
Finders				30.00
FltgHoliday				296.32
Hol Cash				148.16
Vacation				1674.56

Taxes	this period	year-to-date
Fed Withholdng	146.50	1930.37
Fed MED/EE	15.12	220.03
Fed OASDI/EE	64.65	940.83
ME Withholdng	43.00	560.00

Gross Pay 1042.82 15644.65  
 Fed Tax Wages 886.40 12828.00  
 # Non Cash Earnings and Benefits  
 \* Excluded from Federal Taxable Wages

TOTAL GROSS	1042.82	15644.65
TOTAL TAXES	269.27	3651.23
TOTAL DEDUCTIONS	156.42	3015.06
NET PAY	617.13	8978.36

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 Memphis, TN. 38132

Advice Number: 18084126  
 Advice Date: 04/29/2005  
 0000151759

Deposited to the account of  
 JOHN W. HAEFELE

Account Number  
 90368764

Amount  
 617.13

THIS IS NOT A CHECK





**DOCTORS  
FOSTER and SMITH™**

HOME HELP MY ACCOUNT CATALOG QUICK ORDER SIGN IN

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Search: Dogs > Beds & Bedding > Bolster Beds

enter item # or keyword

entire site  **GO**

**DOG Categories:**

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- Mats & Pads
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- Orthopedic Dog Beds
- Classic Dog Beds
- Travel Beds
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- Heaters & Accessories
- Bed Replacement Parts

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- Collars, Harnesses & Leads
- Dental Care
- Digestive Aids
- Doors & Gates for Dogs
- Ear Care
- Eye Care
- Feeders & Waterers
- Field Training
- First Aid
- Flea & Tick
- Foods
- Gifts for Pet Lovers
- Grooming
- Heartwormers - Prescription
- Housetraining
- Medications - Non-Prescription
- Medications - Prescription
- Nametags & Pet I.D.
- Nutritional Supplements
- Pet Loss
- Rawhide
- Sanitation & Lawn Care
- Shed Control
- Skin & Coat Care
- Stress Control
- Dog Toys
- Training
- Travel & Outdoors
- Treats
- Vaccines



Large Sage

ar  
about Be



- 1 Dog Be Guide
- 1 Why Cr Dog Be
- 1 Compa & Smith

**Round Sueded Bolster Dog Bed**

Super-soft sueded fabric combined with lambswool sleep area provide ultimate comfort and luxury. Lined bolster pillows come right out to easily wash entire cover. Durable zippered sleeping area liner is stuffed generously with polyfil and cedar shavings for comfort and freshness. Some assembly required. Please specify color: Chocolate, Sage, or Blue.



COLORS - Click swatches to v



**How to Measure Your Pet for a Bed:** First measure the area covered while your pet is lying down, then add 12".

**Please note:** If you wish to ship these beds by express service, additional shipping charges will apply during checkout.



Sueded Blue

Sueded Sage

**TO ORDER**

Round Sueded Bolster Dog Bed		
9N-12527	Small, Outer: 35" dia; Inner: 30" dia	\$89.99
Select Color:	<input type="checkbox"/>	Qty: <input type="text"/> <b>Add to Cart</b>
9N-12528	Medium, Outer: 42" dia; Inner: 37" dia	\$124.99
Select Color:	<input type="checkbox"/>	Qty: <input type="text"/> <b>Add to Cart</b>
9N-12529	Large, Outer: 50" dia; Inner: 45" dia	\$149.99
Select Color:	<input type="checkbox"/>	Qty: <input type="text"/> <b>Add to Cart</b>
9N-12720	XLarge, Outer: 57" dia; Inner: 51" dia	\$179.99
Select Color:	<input type="checkbox"/>	Qty: <input type="text"/> <b>Add to Cart</b>

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- Indoor Accessories
- Outdoor Furniture
- Outdoor Accessories

- Pet Supplies**
- Dog Bed Guide
- Dog Beds & Blankets**
- Supplies & Accessories
- New for Fall

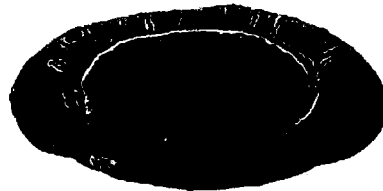
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Loden



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Loden

### Wicked Good Bolstered Dog Bed

- Offers your pet extra support and a sense of security
- Made with soft Berber fleece and faux suede
- Bed cover removes easily for cleaning

[\(View details\)](#)

This handsome bolstered bed offers your pet extra support and a sense of security. Soft, resilient Polysilk™ fill conforms and insulates. Sleeping area is covered with soft, tipped polyester/acrylic Berber fleece and surrounded by a polyester faux-suede bolster. High-loft polyester fill. Imported (finished in USA). Machine wash and dry cover. Spot clean insert.

**Medium** 35" diam., for dogs up to 40 lb.

**Large** 42" diam., for dogs 40-60 lb.

**Extra-Large** 50" diam., for dogs 80 lb. and up

[\(return\\_to\\_top\)](#)

### To Order

[\(log in to save time\)](#)

#### Step 1: Select an Item

**TA52871**

- Medium    **\$79.00**
- Large       **\$99.00**
- Extra-Large **\$129.00**

#### Step 2: Select Options

Loden

Quantity: 1

#### Step 3: Ship To

Me

or other:

Enter a nickname, like "Dad" or "Ann." We'll ask for shipping info at checkout.

**ADD TO SHOPPING BAG**

or

**ADD TO BAG & CHECK OUT**

#### You might also consider:

M 5  
L 35  
E  
L 40

(d)

15531"

PERSONAL REPRESENTATIVE'S DEED

NO TRANSFER  
TAX  
NECESSARY

KNOW ALL MEN BY THESE PRESENTS,

That the Estate of Daisy I. Wilson, Deceased, by William F. Hufnagel, Personal Representative under a certain Last Will and Testament and Codicils admitted to Probate in Kennebec County, Docket 81-408 on October 13, 1981, by the powers conferred by said Will or Codicils and every other power in consideration of One Dollar and as a distribution under the Estate of Daisy I. Wilson, does hereby remise, release, bargain, sell and convey and forever quit-claim unto William G. Haefele, Carol Haefele Malmsten, and John Wilson Haefele in equal shares subject to a life estate granting to Ann Wilson Roth full right to occupy and to live in said premises during her lifetime, a certain lot or parcel of land with buildings and improvements thereon, located in Winthrop, Kennebec County, Maine, being bounded and described as follows:

Being the same premises described in deed of Evelyn Lister Dickey to Daisy I. Wilson dated May 19, 1939 and recorded in the Kennebec Registry of Deeds in Book 750, Page 509 excluding therefrom a parcel conveyed to Ann Roth by deed in Book 1502, Page 103. Also being a parcel adjacent to Book 750, Page 509, described in deed of Daisy I. Wilson and Depositors Trust Company dated June 25, 1968 and recorded in the Kennebec Registry of Deeds in Book 1471, Page 535.

Reference is made to the Second Codicil of Daisy I. Wilson dated March 7, 1978 probated in the Kennebec Probate Court on October 13, 1981.

To have and to Hold, the same, together with all the privileges and appurtenances thereunto belonging, to the said Grantees, and their successors and assigns forever as described in said Second Codicil to the Will of Daisy I. Wilson, Deceased.

IN WITNESS WHEREOF, the said William F. Hufnagel, Personal Representative, as grantor conveying all other rights in the above described premises, has hereunto set his hand and seal this 13<sup>th</sup> day of October in the year one thousand nine hundred and eighty-two.

Signed, Sealed and Delivered

In Presence Of

Estate of Daisy I. Wilson, Dec'd

Burton J. Stone

By William F. Hufnagel

William F. Hufnagel, Personal Representative

State of Maine

Kennebec, ss.

October 13, 1982

Personally appeared the above named William F. Hufnagel, duly authorized Personal Representative of the Estate of Daisy I. Wilson, Dec'd, and acknowledged the above instrument to be his free act and deed as Personal Representative of the Estate of Daisy I. Wilson.

Before me,

Burton J. Stone

12th-100



5/23/06

MARK HIGHLAND STATED BY RE: HARVE SPAC  
MEMORANDUM WITH HARVE SPAC HAS WITH OF  
COMMISSIONER: I BELIEVE HAVE ON  
SPAC STATE:

(1) SPAC HAD BEEN PROVIDED WITH  
SIGNED FOR BY HARVE SPAC ON  
9/24/05.

(2) HAVE NOT FILED SPAC YET

(3) I WENT TO SITE W/ DAN HAVES  
WITHIN 5 DAYS OF THE SPILL  
FITZGERALD WORK OF J.P. AND  
INSURE OIL AND GAS AGREEMENT WITH  
CONTRACT OF SERVICES.

(4) I DON'T KNOW WHAT REMAINING  
BYPASS COULD BE - AS PER JULIE  
N. = NO LOCAL TOWN GRANT

- 2) **Hall, James Newport** (B-375-2004) Rec 5/6/05 \$500D \$69.50 exp. Sent IAPP by Program Services 5/6/05. **NEXT STEP:** Await IAPP decision.
- 3) **Howard's Pulp & Logging, Inc. Freeport** (P-402-2005) Rec 7/7/05 \$17,500D \$1,119.44 expenses so far, possible applicant expenses. **NEXT STEP:** Check w/Response for additional expenses. **Need to send request letter for expenses to date if no more expected?**
- 4) **Leach, Richard Augusta** (A-131-2004) Received 10/22/04 \$500D, \$700 DEP expenses. Sent 2<sup>nd</sup> IAPP notice by Program Services 12/15/04. **NEXT STEP:** Await IAPP processing.
- 5) **Liberty Oil Gray** (P-1010-2001) Received 10/27/03. \$7,500.00 deductible. \$0.00 DEP costs. VRAP site. Sent initial letter and fact sheet. **NEXT STEP:** Waiting to hear from VRAP or applicant.
- 6) **Mckellar, Marjorie Rockland** (A-605-2002) Received 7/27/04. \$500 ded, \$798.25 DEP expenses. IAPP sent by Program Services 7/26/04. Sent 2<sup>nd</sup> notice 12/15/04. **NEXT STEP:** Await IAPP processing.
- ~~43) **Shackford, Roberta Lebanon** (P-1000-2003) Received 12/24/03 \$500 Ded, \$10,292.85 DEP expenses. Sent initial letter. Payment received 3/22/04, next payment due 4/25/04 Sent overdue letter. **NEXT STEP:** Await payments~~

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### OTHER PROJECTS

- 1) **Dead River Co. Various Locations** Assigned 12/24/2003. Numerous spills by Dead River, some reported, some not. NOV to be followed by CA. NOV sent 3/29/04. Consent Agreement sent out 7/1/04, met with DR, additional info to be gathered. Dead River declined to sign CA, need to decide if this should be pursued.
- 2) **McNutt Bangor region** Gasoline spill from motorhome. Response/remediation investigating.
- 3) **Larry's Service Center Madawaska** (I-161-2004) Assigned September 14, 2004. Spill into St John River from waste oil tank. NOV sent, CA sent out, met w/Larry. Larry to submit AST fund application, CA to be revised slightly. Fund coverage denied, Larry has submitted an appeal of the decision.
- 4) **Auburn Concrete Poland** Transferred from Diana M. 10/29/04. Unreported discharge. P-886-2004. Pending.
- 5) **Sprague Energy Corp. Searsport.** (B-114-2005) Assigned 3/21/05. Unreported discharge. NOV written, being reviewed. NOV issued.
- 6) **Dead River/Irving Machias** (B-314-2004) Request for RP status at Machias Bulk Plant VRAP site. Letter response written for Scott W's signature.
- 7) **Winthrop Commerce Center (Carleton Woolen Mill)** (A-157-2005) Review letter written by Peter Blanchard naming WCC as the RP in the Annabessacook Lake #6 oil spill for Steve Davis' signature. Letter revised twice, sent back to Pete on 7/21/05.

## **Confidential Settlement Communication**

May 12, 2006

Louis Carrier  
Winthrop Commerce Center, LLC  
149 Main Street  
Winthrop, Maine 04364

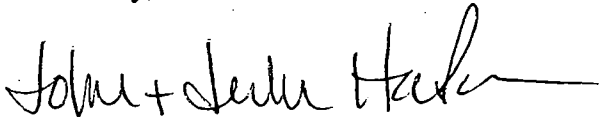
Dear Mr. Carrier:

This letter acknowledges receipt of your letter dated April 6, 2006 that responded to our confidential settlement agreement. You asked if you could share a copy of our letter with all the stakeholders in the WCC's development project and the answer is yes, of course. You also asked if you could rely on our future support of the WCC development project and again the answer is yes, of course. The WCC Development project is a great asset to the community and we fully support it. Your letter also indicated that our request seemed "misdirected" and should be referred to DEP. WCC is liable, as owner of the property, regardless of the DEP's involvement.

We have contacted Representative Patrick Flood and plan to contact DEP's Commissioner as we remain committed to resolving this amicably; however, we have discussed the matter with and are prepared to retain counsel if necessary. We would like to discuss this matter with you prior to our meeting with DEP.

Please respond to this letter by May 23, 2006. If we do not receive a favorable response to this letter by May 23rd, we will take the next step necessary to seek assistance in pursuing our claim.

Sincerely,



John & Julie Haefele  
P.O. Box 99  
Winthrop, Maine 04364

cc: Louis Carrier, Jr.  
Arthur Markos  
Jean Dulac  
Kenneth Lajoie  
Gene Green  
John Martin  
Theodore Small, Esq.



## Winthrop Commerce Center

P.O.Box 333  
Winthrop, ME 04364  
207-377-2277

John & Julie Haeefe  
P.O.Box 99  
Winthrop, Me. 04364

Dear John & Julie:

This letter will acknowledge receipt of your letter dated March 24, 2006 on behalf of Winthrop Commerce Center, LLC and all individuals in receipt of your letter.

With your permission I would like to share a copy of your letter with all the Stakeholders in the WCC's development project. Please advise.

..  
WCC didn't create the oil spill and has completely cooperated with the Department of Environmental protection to resolve the problem which subsequently qualified WCC for the Maine Groundwater Oil Clean Up Fund, Tank Insurance Program..

Your letter and it's contents seems to be misdirected. It is our understanding that third party claims should be directed to the DEP.

We at WCC give high complements to Peter Blanchard and the entire DEP for their professionalism and extensive work removing the oil spill. The tone of your letter in our opinion suggest that you have a lack of confidence and appreciation for the efforts of DEP..

John as a former merchant on Main Street and a citizen of Winthrop you more then most can certainly appreciate the benefits and importance of our development project moving forward without further interruption to benefit all Winthrop Citizen, Merchants, our Town and beyond.

Can we rely on your future support for the WCC Development Project?

Sincerely,

Louis Carrier, President  
Winthrop Commerce Center, LLC

Stakeholders:

Cornell Knight, Winthrop Town Manager, James Norris, Chair Winthrop Town Council, Senator Scott Cowger, Representative Patrick Flood, Joseph Young, Chief of Police, Peter Blanchard, DEP, Rebekah Koroski, DEP, Matthew Dwyer, President Winthrop Area Chamber of Commerce, Brian Ketchen, President, Winthrop Region Development Corp., Peter Thompson, Executive Director, Kennebec Valley Chamber of Commerce, and Managers & Investors in WCC

## **Confidential Settlement Communication**

March 24, 2006

Winthrop Commerce Center, LLC  
149 Main Street  
Winthrop, Maine 04364

Dear Sirs:

We are Winthrop residents who live near Annabessacook Lake, and own waterfront property adjacent to our home. As you know, an oil discharge that began emanating from your property on or about April 2005 caused significant contamination to the Lake and to shorefront properties on the Lake. Our waterfront property was one of the properties affected by this discharge.

Oil was first discovered on our property on April 9, 2005. Prior to the oil discharge, we used our property for a number of recreational purposes, including boating and swimming in the summer, and ice fishing in the winter. We had also planned to try to sell the property last summer, but the oil contamination simply made the property unmarketable. In short, we are now stuck with property that we cannot use for recreational purposes, and that cannot be sold until the oil is completely cleaned up. Of course, no one can say for sure when this will occur. Furthermore, we now have to live with the fear that simply living on the property puts our health at risk.

At this point, we can only hope that the clean up effort will in time resolve most of these issues. However, until that time, we are left with an unmarketable piece of property that is of no use to us. Thus, the discharge of oil from your property has caused us significant harm, which may only increase in the future. In order to mitigate our loss, we would like to resolve this matter amicably at the present time. This would provide the mutual benefit of compensating us for our loss, and giving you the ability to resolve a potential claim that could only increase if we are forced to conduct further investigation of the damages we have incurred, and that we may continue to incur.

If we do not receive a favorable response to this letter within fourteen days, we will take whatever steps are necessary to seek assistance in pursuing our claim.

Sincerely,



John & Julie Haefele  
P.O. Box 99  
Winthrop, Maine 04364



Winthrop Commerce Center, LLC  
March 24, 2006

cc: Louis Carrier, Jr.  
Arthur Markos  
Jean Dulac  
Kenneth Lajoie  
Gene Green  
John Martin  
Theodore Small, Esq.



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

September 21, 2005

Certified # 7003 3110 0004 1524 5013

John & Julie Haeefe  
P.O. Box 99  
Winthrop, ME 04364

Dear Mr. and Mrs. Haeefe:

As per your E-Mail request to Steve Davis today, please find herein a third party damage claim form, along with a section of the statute and other information which helps to explain damages which can be paid under the claims process. As you will note, there is a two year period during which you may file your claim, however, the sooner your claim is received by the Department, the more quickly the problem can be resolved and the damages minimized. Be aware that, by statute, attorney fees and real estate appraisal fees are not compensable through the third party claims process. You will need to provide your Social Security Number on the third party damage claim form and also complete a New Vendor/Vendor Update Form before your claim can be processed. Please note that any damage award you receive may have Federal and State tax implications. Certain types of payments are required to be reported to the Internal Revenue Service. If the State reports a payment to the Internal Revenue Service, the State will also send you a copy of the reporting form. An award that is not reported to the Internal Revenue Service may still have tax consequences. It is suggested that you retain copies of any invoices you submit as further documentation for tax purposes.

Once your claim is received, a specific staff person will be assigned. Should you have any questions in the interim, please feel free to call the Claims Unit at 287-2651 and someone will be available to assist you. Thank you for your anticipated cooperation in this process.

Sincerely,

James S. Cumming  
Oil Remediation and Claims Unit  
Bureau of Remediation and Waste Management

- Enclosures: 3PDC Form  
3PDC Fact Sheet  
Copy of Relevant Statute  
New Vendor/Vendor Update Form

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
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 04769-2094  
(207) 764-0477 FAX: (207) 764-1507

Cummins

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 9/29/05

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

**JOHN & JULIE HAEFELE  
 PO BOX 99  
 WINTHROP, ME 04364**

1. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
 (Transfer from service label) 7003 3110 0004 1524 5013

6/9/06

HEARS RUMOR THAT HARTFELD, HAS ~~NOT~~  
OF COMMISSIONER. THEIR STATE LEGISLATION,  
PAT FLOYD, WAS IN ATTENDANCE. COMMISSIONER  
ALLEGEDLY GUARANTEES THEM AN APPRAISAL  
(??)

6/13/06

HARTFELD BY LARRY TASHLEY IN WRITING LTR TO  
HARTFELD, AS A F/W TO MR HARTFELD,  
MTR OF COMMISSIONER. I PROVIDED HIM W/ A  
CC OF THE 2/1/05 LTR FORWARDING  
EMAIL MATERIAL TO THEM. I PROVIDED  
COMMENTS ON WHAT LTR RE: HARTFELD  
REQUEST (SEE EMAILS)

HARTFELD LOOKING TO FUND APPRAISAL.

✓ STEVEN + SE (OK) W/ DOING THIS  
THRU A SERVICE CONTRACT W/  
THEY NEGOTIATE.





**Cumming, James**

---

**From:** Cumming, James  
**Sent:** Monday, August 15, 2005 11:06 AM  
**To:** Carney, Peter J  
**Subject:** FW: Annabessacook Lake FOAA

Pete, I have a working file for a potential Third Party Damage Claim from the Haefeles for this spill.

---

**From:** Whittier, Scott  
**Sent:** Monday, August 15, 2005 7:56 AM  
**To:** Cumming, James  
**Subject:** FW: Annabessacook Lake FOAA

fyi

---

**From:** Davis, Stephen K  
**Sent:** Friday, August 12, 2005 3:55 PM  
**To:** Dusch, Jim E; Carney, Peter J; Hyland, Mark; Gallagher, Dawn R; Littell, David P; Garrett, Deborah N; Whittier, Scott  
**Subject:** RE: Annabessacook Lake FOAA

Not that I am aware of. FYI...I'm meeting with John Haefeles at his home tomorrow to take a look property and listen to the issues. Anyone wanting to tag along is more than welcome.

---

**From:** Dusch, Jim E  
**Sent:** Friday, August 12, 2005 3:50 PM  
**To:** Carney, Peter J; Hyland, Mark; Gallagher, Dawn R; Littell, David P; Garrett, Deborah N; Whittier, Scott; Davis, Stephen K  
**Subject:** RE: Annabessacook Lake FOAA

Is someone already on top of drafting a letter for Dawn's signature, which this request includes?

---

**From:** Carney, Peter J  
**Sent:** Friday, August 12, 2005 3:16 PM  
**To:** Carney, Peter J; Gallagher, Dawn R; Littell, David P; Garrett, Deborah N; Dyer, Ron E; Dusch, Jim E; Viles, George H; Archer, Nick D; Logue, Edward; Breton, Mary B; Kavanah, Brian W; Witherill, Donald T; Courtemanch, Dave L; Brown, Bill P; Fisk, Andrew C  
**Cc:** Hanson, Terry; Boutilier, Lynn A; James, John; Richardson, Hetty L; Macdonald, Kevin  
**Subject:** Annabessacook Lake FOAA

The Department recently received a FOAA request from John Haefeles requesting information on an oil discharge to Mill Stream and Annabessacook Lake in Winthrop. Pursuant to the FOAA SOP, I am responsible for contacting managers in the OC's office to determine whether the OC's office has responsive records. Managers are required to contact their individual staff in order to identify responsive documents. Please expressly advise whether you, or anyone in your unit, does or does not have responsive documents. A copy of the request is attached electronically (use the zoom function so you can read it). Thanks.

BLWQ folks, I am forwarding this to you as Hetty is out this week.

John, Kevin, and Hetty: You will receive a "CC" on the initial response.

Sincerely,

Peter J. Carney, Esq.  
Director of Procedures and Enforcement  
Maine Department of Environmental Protection  
#17 State House Station  
Augusta, Maine 04333-0017  
Phone: (207) 287-4305  
FAX: (207) 287-2814  
[peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov)

**Cumming, James**

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fyi

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**Sent:** Friday, August 12, 2005 3:16 PM  
**To:** Carney, Peter J; Gallagher, Dawn R; Littell, David P; Garrett, Deborah N; Dyer, Ron E; Dusch, Jim E; Viles, George H; Archer, Nick D; Logue, Edward; Breton, Mary B; Kavanah, Brian W; Witherill, Donald T; Courtemanch, Dave L; Brown, Bill P; Fisk, Andrew C  
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Sincerely,

Peter J. Carney, Esq.  
Director of Procedures and Enforcement  
Maine Department of Environmental Protection

8/15/05  
SCOTT W SAIS  
I SHOULD SEND  
E-MAIL TO  
PETER CARNEY  
SUMMARY IN  
WHAT I HAVE

#17 State House Station  
Augusta, Maine 04333-0017  
Phone: (207) 287-4305  
FAX: (207) 287-2814  
[peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov)

8/9/05 met w/ STEVE GAVIS & SCOTT WHITTIER  
to go over SITUATION AND BPC CLAIM,  
ENVIRONMENTAL / PERSPECTIVE STEVE WILL BE  
CALLING THE (HARFIELD).

→ OLY, ENVIRONMENTAL UNIT @ SITE)

ASBESTOS IN HAND

→ ASK FUNDING AT SITE. 1997

SPILL FROM OVERALL POSSIBILITY

OK FUND COVERAGE !!

→ LET GAVIS & MILL OWNERS AS RP  
(SOON)



## Cumming, James

---

**From:** Whittier, Scott  
**Sent:** Monday, August 08, 2005 7:42 AM  
**To:** Cumming, James  
**Subject:** FW: Winthrop, Mill stream oil spill

**Attachments:** IMG\_0086.JPG; IMG\_0084.JPG; IMG\_0085.JPG; IMG\_0083.JPG

FYI - we will likely get a request for more info from Dawn or Steve regarding the claim.

---

**From:** Blanchard, Peter J  
**Sent:** Sunday, August 07, 2005 12:50 PM  
**To:** Gallagher, Dawn R  
**Cc:** Davis, Stephen K; Hyland, Mark; Boutilier, Lynn A; Dusch, Jim E; Whittier, Scott  
**Subject:** RE: Winthrop, Mill stream oil spill

Dawn,  
I do not believe Mr. Hafele has any loss of property. He has made a 3rd party damage claim and the inspector, Jim Cumming, who works in Scott Whittier's Division found that the shoreline had been all cleaned up.

I did go down to the lake after the heavy thunder shower on Friday (8/5/2005). These pictures are of the shoreline near the outfall of mill stream. We are still getting oil leaching from the mill. No oil was observed above the mill.



IMG\_0086.JPG (1 MB)



IMG\_0084.JPG (1,017 KB)



IMG\_0085.JPG (1 MB)



IMG\_0083.JPG (1 MB)

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**From:** Gallagher, Dawn R  
**Sent:** Friday, August 05, 2005 2:20 PM  
**To:** Blanchard, Peter J  
**Cc:** Davis, Stephen K; Hyland, Mark; Boutilier, Lynn A; Dusch, Jim E; Whittier, Scott  
**Subject:** RE: Winthrop, Mill stream oil spill  
**Importance:** High

Peter,

What continued loss of property does Mr. Hafele have? And what can we do about it?

Dawn

---

**From:** Blanchard, Peter J  
**Sent:** Friday, August 05, 2005 9:13 AM  
**To:** Gallagher, Dawn R  
**Cc:** Davis, Stephen K; Hyland, Mark; Boutilier, Lynn A; Dusch, Jim E; Whittier, Scott  
**Subject:** Winthrop, Mill stream oil spill

Dawn,

I am contacting you directly due to Steve and Mark being out of State. Lynn indicated you were in Biddeford today.

I was contacted by phone this AM by John Hafele of Winthrop. He is a property owner on Annebessacook Lake and was the one with his dogs that were coated by oil when the Mill Stream spill occurred in April.

John is very unhappy. He blames DEP for not getting to the bottom of where the oil came from and claims continued loss of use of his property due to the spill. He feels this is a Democratic cover-up by the Baldacci administration because of pressure from John Martin. He verbally has requested my field notes and file information that DEP has about the spill. He indicated he has made calls to you and has not had them returned. He indicated he is going to hire an attorney and get the media involved to bring pressure to resolve the source of oil in the stream. He was polite enough, but he indicated he is tired of waiting and wants action now.

I told him the investigation was complete and that we were working on a response to the Winthrop Commerce Center. I reiterated that we had taken extensive remedial measures to clean up the spill and investigate the source. He was not satisfied with that response and indicated he will go over my head to the Governors office.

I received the draft letter to the Winthrop Commerce Center with comments from Jim Dutsch yesterday. Unfortunately I was called to an underground tank spill and have not had an opportunity to make the appropriate revisions. Jim requested I forward the revised letter to Scott Whittier which I will do today baring any unforeseen spills.

Peter

Peter J. Blanchard  
Division of Response Services  
phone: (207) 287-3692  
e-mail: peter.j.blanchard@maine.gov

**Cumming, James**

---

**From:** Haefele, Julie F.  
**Sent:** Thursday, June 16, 2005 10:26 AM  
**To:** Cumming, James  
**Subject:** RE: CARPET INSPECTION  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

I'll get back to you.

Thanks.

---

**From:** Cumming, James  
**Sent:** Thursday, June 16, 2005 10:21 AM  
**To:** Haefele, Julie F.  
**Subject:** FW: CARPET INSPECTION

Hi, Julie. I haven't heard back from you regarding scheduling this visit. At this point, my schedule has filled in completely for this week. There might be some time during the day for the week of June 20<sup>th</sup>. Might be more flexibility during the week of June 27<sup>th</sup>. Let me know and I can see what I can set up with Servpro. Thanks.

---

**From:** Cumming, James  
**Sent:** Monday, June 06, 2005 8:35 AM  
**To:** Haefele, Julie F.  
**Subject:** CARPET INSPECTION

Hi, Julie. I talked with Servpro about coming out to your property for the subject inspection. A visit during the day would work best for us this week. If this won't work for you, an evening visit next week is possible. Please let me know. Thanks.

**Cumming, James**

---

**From:** Cumming, James  
**Sent:** Thursday, June 16, 2005 10:21 AM  
**To:** Haefele, Julie F.  
**Subject:** FW: CARPET INSPECTION

**Tracking: Recipient      Delivery**  
Haefele, Julie F. Delivered: 6/16/2005 10:21 AM

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## Cumming, James

---

**From:** System Administrator  
**To:** Haefele, Julie F.  
**Sent:** Thursday, June 16, 2005 10:21 AM  
**Subject:** Delivered: FW: CARPET INSPECTION

Your message

**To:** Haefele, Julie F.  
**Subject:** FW: CARPET INSPECTION  
**Sent:** 6/16/2005 10:21 AM

was delivered to the following recipient(s):

Haefele, Julie F. on 6/16/2005 10:21 AM

## Cumming, James

---

**From:** Haefele, Julie F.  
**To:** Cumming, James  
**Sent:** Thursday, June 16, 2005 10:23 AM  
**Subject:** Read: CARPET INSPECTION

Your message

**To:** Haefele, Julie F.  
**Subject:** FW: CARPET INSPECTION  
**Sent:** 6/16/2005 10:21 AM

was read on 6/16/2005 10:23 AM.



**Cumming, James**

---

**From:** Cumming, James  
**Sent:** Monday, June 06, 2005 8:35 AM  
**To:** Haefele, Julie F.  
**Subject:** CARPET INSPECTION

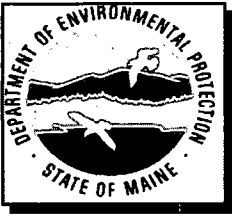
Hi, Julie. I talked with Servpro about coming out to your property for the subject inspection. A visit during the day would work best for us this week. If this won't work for you, an evening visit next week is possible. Please let me know. Thanks.

6/7/2005

6/9/01

Intro

- HARPER'S AFFAIRS TO NOT IN SUCH. RENTED TO SUBJECT ELSE FOR USE ELSEWHERE ??
- HARPER'S, ISUATION OF W. PRAVACOU, BUT HAVE FROM USE OF A PARENT'S DOCK ??
- TAKING OF PROPERTY USED BY OTHER OWNERS ?? CASES LEAD TO BFD COURT ??



# Department of Environmental Protection

12/8/2004

## Spill Expense Summary by Action

**Spill: B-638-2004**  
DON MUSERO JR  
  
75 MILLETT MALLET RD  
  
LINCOLN, ME 04457  
2077943468

<u>Date</u>	<u>Invoice #</u>	<u>Contract</u>	<u>Vendor</u>	<u>Invoice Amt.</u>	<u>Approved Amt.</u>	<u>Fund</u>	<u>By</u>
-------------	------------------	-----------------	---------------	---------------------	----------------------	-------------	-----------

Totals for

**Grand Total:**

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### Spill Expense Summary

■	0.0%
Total: 100.0%	

BROWN (SHEPARD)

LIMIT 1500, 6/400

622-7166

→ SCENARIO SOUNDS UNLIKELY TO HAPPEN

→ WILL PASS INTO PETER HARVEY FOR  
PULSAR JUMP INTO NEXT WEEK

HE WILL GET BACK TO ME

(PETER) TAKE RISK?

- SITUATION DESCRIBED BY CLAIMANT IS POSSIBLE.

SITUATION MAY REQUIRE RISK OR CAREFUL  
PLANNING. PETER WOULD WANT TO SEE.

Oil prices quoted on this Website are based upon information provided by oil dealers, without independent verification by Energy Data Corp. Energy Data Corp updates this information daily, but makes no representation or warranty regarding the price, quality, delivery or availability of oil by the dealers referred to on this Website.

\*prices subject to change

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## Cumming, James

---

**From:** Cumming, James  
**Sent:** Thursday, June 02, 2005 3:17 PM  
**To:** Haefele, Julie F.; 'Jules Haefele (E-mail)'  
**Cc:** Blanchard, Peter J; Davis, Dan  
**Subject:** RE: Spill/ Annabessacook

I contacted Servpro once I received your E-Mail will more details on your concern. I think the next step will be a joint inspection of the rug by Servpro staff and me. I plan to contact you for possible scheduling next week.

Response Services staff can fill in the details about the status of the lake/environmental cleanup.

---

**From:** Haefele, Julie F.  
**Sent:** Thursday, June 02, 2005 2:36 PM  
**To:** Cumming, James; Jules Haefele (E-mail)  
**Cc:** Blanchard, Peter J; Davis, Dan  
**Subject:** RE: Spill/ Annabessacook

Jim,

Thanks for your response. I'm not sure how you sensed I wasn't happy with the clean as it is?, I was simply asking how its coming and it was complete since I haven't heard from anyone in quite a while.

With regard to my rug, the places where the oil was is beginning to darken again. The people at ServPro said this wasn't unlikely due to the type of oil.

I don't want to fill out a claim form until I know the cleanup is complete which I why I sent you the e-mail I did today.

Sorry to bother all of you with this.

-----Original Message-----

**From:** Cumming, James  
**Sent:** Thursday, June 02, 2005 1:40 PM  
**To:** Haefele, Julie F.  
**Cc:** Blanchard, Peter J; Davis, Dan  
**Subject:** RE: Spill/ Annabessacook

Hi, Julie.

I have cc'ed Response Services staff so they can address your question about the status of the cleanup. I'm not sure what you mean by "oil is beginning to come back up"?? Perhaps you can provide more detail.

You have 2 years from the date of the spill or the discovery of your damages, whichever is later, to submit your claim. So, there's lots of time. I will need to send you a claim form officially via certified mail. If you want it sent now, let me know. You're at 44 Kayla, right? The extra form I provided in April was to familiarize you with the program.

Your damages will be what remains after the cleanup is complete. I sense that you are not happy with the cleanup as it is? Please provide more specifics so we can evaluate the need for further cleanup. If the Department believes that more cleanup or site restoration is needed, we can pay for it directly under the Spill#.

When I was on the site in April, the lake and shoreline cleanup appeared to be excellent. Once cleanup is completed,



few, if any, damages should remain that require third party damage claim compensation. Certainly, a claim can be filed. Any disputed claim will be referred to a hearing examiner for resolution. Legal fees, consultant fees, and other costs to prepare and prosecute a claim are not compensable under Maine Statute.

---

**From:** Haefele, Julie F.  
**Sent:** Thursday, June 02, 2005 11:37 AM  
**To:** Cumming, James  
**Subject:** Spill

Hey Jill,

How's things going with the spill and the clean up? My rugs have been cleaned, however, some of the oil is beginning to come back up.

Also, when should I send in my claim form? Should I wait until the clean up is complete?

Julie F. Haefele  
Senior Consumer Assistance Specialist  
Consumer Assistance Division  
207/287-1398  
207/287-6889 fax  
Julie.F.Haefele@Maine.Gov



### CERTIFICATE OF SATISFACTION

Name: JULIE Haeffele

Address: 44 Kayla Drive

City: WINTHROP ST: ME Zip: 04364

Customer, Julie Haeffele, acknowledges the restoration/cleaning project for which SERVPRO has provided services has been cleaned and/or restored by SERVPRO to customer's satisfaction.

Signature: Julie Haeffele Date: 5-2-05

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Customer Service and Quality Control Form

	Yes	No	NA
1. Was the office staff courteous, polite and helpful?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Was the estimator that surveyed your job prompt, courteous and polite?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Did the estimator clearly explain the process of completing your job with the Customer Information Form?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Was the production staff neat, courteous, knowledgeable and professional?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Did SERVPRO meet your expectations on this job?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Did SERVPRO communicate clearly during the job completion process?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. What were your overall impressions of how SERVPRO assisted you during this time? <u>Excellent 😊</u>			
8. Will you use SERVPRO for your future cleaning or restoration needs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Would you recommend SERVPRO to your friends or family?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. May we use you as a reference?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: STAFF WAS extremely Courtesy + did an excellent Job!

Thank you for your feedback. SERVPRO and its Franchisees strive to be the premier cleaning and restoration company. We appreciate your patronage and look forward to serving your future cleaning and restoration needs.

SERVPRO OF AUGUSTA-WATERVILLE

VOICE: 207-622-7166 OR 207-877-7166

FACSIMILE: 207-622-7167

FACSIMILE TRANSMITTAL SHEET

TO: Jim Cumming	FROM: LEAH HARADEN
COMPANY: DEP	DATE: 05/02/2005
FAX NUMBER: 287-7826	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER: 287-7860	SENDER'S REFERENCE NUMBER:
RE: HAEFELE RESIDENCE	YOUR REFERENCE NUMBER:

If you have any difficulty receiving this fax, please contact us at 207-622-7166.

NOTES/COMMENTS:

5/2/05  
 PER LEAH, SHE DIDN'T HAVE A FIGURE YET.  
 WILL SEND INVOICE IN NEXT FEW DAYS.

SERVPRO OF AUGUSTA/WATERVILLE  
79-85 LEIGHTON ROAD, UNIT 4  
AUGUSTA, ME 04330

FACSIMILE TRANSMITTAL SHEET

TO: <b>Jim Cumming</b>	FROM: <b>Leah Haraden</b>
COMPANY: <b>DEP</b>	DATE: <b>5/2/2005</b>
FAX NUMBER: <b>287-7826</b>	SENDER'S FAX NUMBER: <b>622-7167</b>
PHONE NUMBER: <b>287-7860</b>	SENDER'S PHONE NUMBER: <b>622-7166</b>
RE: <b>Haefele Residence in Winthrop</b>	TOTAL NO. OF PAGES INCLUDING COVER: <b>5</b>

- URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE


NOTES/COMMENTS:

Jim: We will send you the original copy of the invoice and the estimate through the mail. If you have any questions, please feel free to call our office. Regards, Leah Haraden

PHONE: 622-7166 / 877-7166

FAX: 622-7167

EMAIL: DELEHARADEN@VERIZON.NET

		Date 5/2/2005	Invoice No. 899315
Julie Haefele 44 Kayla Drive Winthrop, ME 04364	Bill To: Attn: Jim Cumming Maine DEP Oil Remediation & Claims Unit 17 State House Station Augusta, ME 04333-0017	 <b>SERVPRO</b> of Augusta/Waterville 79-85 Leighton Road Augusta, Maine 04330 622-7166/ 877-7166 TIN#57-1174830	

JOB DATE	REP	CREW CHIEF	REFERRAL	SOURCE	Services
5/2/2005		PH			

<p><b>Carpet Cleaning &amp; General Cleaning</b></p> <p>Professional cleaning &amp; restoration services performed for the above customer per attached estimate.</p>	236.00
--	--------

<p><small>Qualifying Statements: The customer acknowledges that permanently discolored, faded and/or bleached areas on carpet, upholstery, drapery or other types of material sometimes make it impossible to restore the original color or condition. Spot Removal is not guaranteed. PLEASE SEE THE ADDITIONAL TERMS AND CONDITIONS OF SERVICE ON THE REVERSE SIDE.</small></p>	TOTAL	\$236.00
---	-------	----------

I have read the Terms and Conditions of Service on the reverse side hereof and agree to same.

(X) \_\_\_\_\_  
 Authorized Signature

I hereby acknowledge the satisfactory completion of the above-described work.

(X) \_\_\_\_\_  
 Customer Signature

1 No One Home

**TERMS OF PAYMENT:** Unless otherwise specified on this invoice, payment is due in full upon completion of service. Interest will be charged at the maximum allowable by law, or at 1.5% per month, whichever is lesser, on accounts over 30 days past due.





**Servpro of Augusta/Waterville**  
 79-85 Leighton Road  
 Augusta ME 04330  
 Phone (207) 622-7166  
 Fax (207) 622-7167  
 peterharaden@verizon.net  
 Tax ID 57-1174830

**Loss Information**

Julie Haefele  
 44 Kayla Drive  
 Winthrop ME 04364  
 Home: (207) 377-2322      Work:  
 Type: General cleaning      Cause: Other  
 Claim #:  
 Policy #:

**Loss Statistics**

FNOL Date: 4/25/2005  
 Loss Date: 4/14/2005  
 Company: Self Pay  
 Agent:  
 Adjuster:  
 Estimator:

**Job**

Calculations	Room	Offset(s)	Missing Space	Totals
sfCeiling:	546.58	0.00	0.00	546.58
sfFloor:	546.58	0.00	0.00	546.58
syFloor:	60.73	0.00	0.00	60.73
IfCeilingPerimeter:	164.83	0.00	0.00	164.83
IfFloorPerimeter:	164.83	0.00	0.00	164.83
cfRoom:	4372.67	0.00	0.00	4372.67
sfWalls:	1318.67	0.00	0.00	1318.67
syWalls:	146.52	0.00	0.00	146.52
sfWallsCeiling:	1865.25	0.00	0.00	1865.25

**Description**

1 Clean Tub/Shower - Double Pass

Quantity	UOM	Unit Price	Total	Tax	O/P
1.00	EA	\$45.00	\$45.00		
Mitigation:		\$0.00	Structure:		\$45.00
Restoration:		\$45.00	Contents:		\$0.00
Replacement:		\$0.00	Total:		\$45.00

**Bedroom**

Box  
 Length: 27 ft 0 in  
 Width: 11 ft 0 in  
 Height: 8 ft 0 in

Calculations	Room	Offset(s)	Missing Space	Totals
sfCeiling:	297.00	0.00	0.00	297.00
sfFloor:	297.00	0.00	0.00	297.00
syFloor:	33.00	0.00	0.00	33.00
IfCeilingPerimeter:	76.00	0.00	0.00	76.00
IfFloorPerimeter:	76.00	0.00	0.00	76.00
cfRoom:	2376.00	0.00	0.00	2376.00
sfWalls:	608.00	0.00	0.00	608.00
syWalls:	67.56	0.00	0.00	67.56
sfWallsCeiling:	905.00	0.00	0.00	905.00

**Description**

2 Clean Carpet

Quantity	UOM	Unit Price	Total	Tax	O/P
297.00	SF	\$0.28	\$83.16		
Mitigation:		\$0.00	Structure:		\$83.16
Restoration:		\$83.16	Contents:		\$0.00
Replacement:		\$0.00	Total:		\$83.16



**Livingroom**

Box  
 Length: 8 ft 0 in  
 Width: 10 ft 0 in  
 Height: 8 ft 0 in

Calculations	Room	Offset(s)	Missing Space	Totals
sfCeiling:	80.00	0.00	0.00	80.00
sfFloor:	80.00	0.00	0.00	80.00
syFloor:	8.89	0.00	0.00	8.89
IfCeilingPerimeter:	36.00	0.00	0.00	36.00
IfFloorPerimeter:	36.00	0.00	0.00	36.00
cfRoom:	640.00	0.00	0.00	640.00
sfWalls:	288.00	0.00	0.00	288.00
syWalls:	32.00	0.00	0.00	32.00
sfWallsCeiling:	368.00	0.00	0.00	368.00

Description	Quantity	UOM	Unit Price	Total	Tax	O/P
3 Clean Carpet	80.00	SF	\$0.28	\$22.40		
	Mitigation:		\$0.00	Structure:		\$22.40
	Restoration:		\$22.40	Contents:		\$0.00
	Replacement:		\$0.00	Total:		\$22.40

**Kitchen Tile**

Box  
 Length: 15 ft 5 in  
 Width: 11 ft 0 in  
 Height: 8 ft 0 in

Calculations	Room	Offset(s)	Missing Space	Totals
sfCeiling:	169.58	0.00	0.00	169.58
sfFloor:	169.58	0.00	0.00	169.58
syFloor:	18.84	0.00	0.00	18.84
IfCeilingPerimeter:	52.83	0.00	0.00	52.83
IfFloorPerimeter:	52.83	0.00	0.00	52.83
cfRoom:	1356.67	0.00	0.00	1356.67
sfWalls:	422.67	0.00	0.00	422.67
syWalls:	46.96	0.00	0.00	46.96
sfWallsCeiling:	592.25	0.00	0.00	592.25

Description	Quantity	UOM	Unit Price	Total	Tax	O/P
4 Clean Floor, Tile - Double Pass	169.58	SF	\$0.38	\$64.44		
5 Clean Steps, Carpeted	6.00	EA	\$3.50	\$21.00		
	Mitigation:		\$0.00	Structure:		\$85.44
	Restoration:		\$85.44	Contents:		\$0.00
	Replacement:		\$0.00	Total:		\$85.44

Date 5/2/2005

Invoice No. 899315

Julie Haefe!  
44 Kayla Drive  
Winthrop, ME 04364

Bill To:  
Attn: Jim Cumming  
Maine DEP Oil Remediation  
& Claims Unit  
17 State House Station  
Augusta, ME 04333-0017



SERVPRO of Augusta/Waterville  
79-85 Leighton Road  
Augusta, Maine 04330  
622-7166/ 877-7166  
TIN#57-1174830

JOB DATE	REP	CREW CHIEF	REFERRAL	SOURCE	Services
5/2/2005		PH			

Carpet Cleaning & General Cleaning

236.00

Professional cleaning & restoration services performed for the above customer per attached estimate.

**APPROVED FOR PAYMENT**

vc E 571174830 docid#  
 fnd 014 no 06A org 1546 Suborg 342 REM  
 actv \_\_\_\_\_  
 subrev \_\_\_\_\_ job A1572005  
 bsacct \_\_\_\_\_ amount 236.00

AUTHORIZED SIGNATURE

*James R. Cumming 5/2/05*  
*Patricia Blum 5-9-05*

Qualifying Statements: The customer acknowledges that permanently discolored, faded and/or bleached areas on carpet, upholstery, drapery or other types of material sometimes make it impossible to restore the original color or condition. Spot Removal is not guaranteed. PLEASE SEE THE ADDITIONAL TERMS AND CONDITIONS OF SERVICE ON THE REVERSE SIDE.

<b>TOTAL</b>	<b>\$236.00</b>
--------------	-----------------

I have read the Terms and Conditions of Service on the reverse side hereof and agree to same.

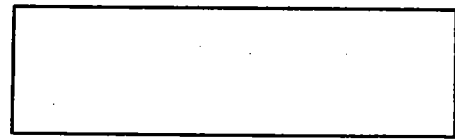
(X) \_\_\_\_\_  
Authorized Signature

\_\_\_\_\_ hereby acknowledge the satisfactory completion of the above-described work.

(X) \_\_\_\_\_  
Customer Signature

1 No One Home

**TERMS OF PAYMENT:** Unless otherwise specified on this invoice, payment is due in full upon completion of service. Interest will be charged at the maximum allowable by law, or at 1.5% per month, whichever is lesser, on accounts over 30 days past due.



A-157-2005

ACTION: R SCREEN: VEN2 USERID: EPA0 DJWB 05/06/05 09:18:20 AM

V E N D O R ( 1 O F 2 )

VENDOR= E571174830  
VENDOR TYPE: MISC VENDOR IND: N LAST ACTION DATE: 04 14 05  
FED ID NUM: E571174830

----- VENDOR ADDRESS -----      ----- ALTERNATE ADDRESS -----  
NAME: HARADEN CORP :  
ADDRESS: DBA SERVPRO-AUGUSTA/WATERVILLE :  
: 79-85 LEIGHTON RD BOX 11 :  
CITY: AUGUSTA STATE: ME :  
ZIP: 04330 :


CLAREON ID: CUSTOMER ACCT:  
CONTACT: A/R CONTACT:  
PHONE: 622-7166 COMMENT: TP

PYMT HOLD IND: N SCHD PYMT DAY: SINGLE CHECK: N EFT STATUS/TYPE: N /

CALENDAR YTD AMT: 150.00 PRIOR CALENDAR YEAR AMT: 0.00  
FISCAL YTD AMT: 150.00 PRIOR FISCAL YEAR AMT: 0.00

---

4-©                    1    Sess-1    10.10.90.1                    EZBSIMLU                    1/10

		Date 5/2/2005	Invoice No. 899315
Julie Haefele 44 Kayla Drive Winthrop, ME 04364		Bill To: Attn: Jim Cumming Maine DEP Oil Remediation & Claims Unit 17 State House Station Augusta, ME 04333-0017	
		 <b>SERVPRO of Augusta/Waterville</b> 79-85 Leighton Road Augusta, Maine 04330 622-7166/ 877-7166 TIN#57-1174830	

JOB DATE	REP	CREW CHIEF	REFERRAL	SOURCE	Services
5/2/2005		PH			
Carpet Cleaning & General Cleaning  Professional cleaning & restoration services performed for the above customer per attached estimate.					236.00

Qualifying Statements: The customer acknowledges that permanently discolored, faded and/or bleached areas on carpet, upholstery, drapery or other types of material sometimes make it impossible to restore the original color or condition. Spot Removal is not guaranteed. **PLEASE SEE THE ADDITIONAL TERMS AND CONDITIONS OF SERVICE ON THE REVERSE SIDE.**

<b>TOTAL</b>	<b>\$236.00</b>
--------------	-----------------

I have read the Terms and Conditions of Service on the reverse side hereof and agree to same.

(X) \_\_\_\_\_  
 Authorized Signature

I hereby acknowledge the satisfactory completion of the above-described work.

(X) \_\_\_\_\_  
 Customer Signature

1 No One Home

**TERMS OF PAYMENT:** Unless otherwise specified on this invoice, payment is due in full upon completion of service. Interest will be charged at the maximum allowable by law, or at 1.5% per month, whichever is lesser, on accounts over 30 days past due.



# Terms and Conditions of Service

## READ CAREFULLY

**Note: This Contract includes a limitation of liability and limitation of remedies.**

1. SERVPRO is one of the largest nationwide cleaning and restoration franchise systems in the United States. The SERVPRO franchise owner identified on the front of this Contract (the "Provider") is an independent contractor who agrees to perform the services identified on the front of this Contract (the "Services"). Customer agrees to purchase, receive, and pay for the Services pursuant to the terms and conditions of this Contract. Servpro Industries, Inc., the franchisor, is not a party to any agreement with Customer, is not a guarantor of the Provider's Services, and is not subject to liability arising out of such Services.
2. Provider's performance the Services is limited by, among other things, the pre-existing conditions and characteristics of the premises, material, fabrics, furniture, and/or other items. PROVIDER EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR ANY PRE-EXISTING CONDITIONS. Customer shall retain responsibility and shall be liable for all effects of and costs necessary to correct such conditions, including, by way of example and not limitation, the conditions identified below:
  - (a) Provider may, in its sole discretion, pre-test materials for removability of spots or stains; dye or color fastness; shrinkage; fading; adhesive breakdown; or other problems. It is not always possible to determine these conditions in advance. PROVIDER DOES NOT GUARANTEE SPOT OR STAIN REMOVAL, SHRINKAGE, COLOR FASTNESS OR FADING, OR ADHESIVE BREAKDOWN.
  - (b) Provider DOES NOT GUARANTEE that wall and ceiling cleaning will restore the original color to painted surfaces.
  - (c) Not all fabrics are conducive to cleaning. Provider shall use reasonable efforts to advise customer of any adverse effects which may be reasonably foreseen due to the nature of the fabric or material involved. PROVIDER DOES NOT GUARANTEE THAT SUCH MATERIALS CAN BE CLEANED OR THAT THERE WILL BE NO ADVERSE EFFECTS TO ANY ATTEMPT TO CLEAN SUCH FABRICS.
  - (d) A variety of materials are used in the manufacturing, upholstery and/or installation process. These materials include backing, lining, tacks, or other unknown substances that may cause discoloration or other adverse effects to the face material. Customer acknowledges that it is impossible to determine when such adverse effects may occur and PROVIDER DOES NOT GUARANTEE AGAINST SUCH ADVERSE EFFECTS.
  - (e) Customer acknowledges and agrees that mold is commonly found throughout the environment and that it is impossible to eradicate mold. PROVIDER DOES NOT GUARANTEE THE REMOVAL OR ERADICATION OF MOLD.
3. PROVIDER SPECIFICALLY DISCLAIMS ANY AND ALL OTHER WARRANTIES AND ALL IMPLIED WARRANTIES (EITHER IN FACT OR BY OPERATION OF LAW) INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE OR ANY IMPLIED WARRANTY ARISING OUT OF A COURSE OF DEALING, CUSTOM OR USAGE OF TRADE. THIS CONTRACT PROVIDES FOR THE PROVISION OF SERVICES AND DOES NOT PROVIDE FOR A SALE OF GOODS.
4. **Limitation of Liability:** IN NO EVENT SHALL PROVIDER, ITS OWNERS OR AGENTS, OR ITS FRANCHISOR SERVPRO INDUSTRIES, INC., BE RESPONSIBLE FOR ANY LOSSES OR DAMAGES, WHETHER DIRECT, INDIRECT, SPECIAL, NOMINAL, INCIDENTAL, PUNITIVE OR CONSEQUENTIAL, OR FOR ANY PENALTIES, REGARDLESS OF THE LEGAL OR EQUITABLE THEORY ASSERTED, INCLUDING CONTRACT, NEGLIGENCE, WARRANTY, STRICT LIABILITY, STATUTE OR OTHERWISE, EVEN IF IT HAD BEEN AWARE OF THE POSSIBILITY OF SUCH DAMAGES OR THEY ARE FORESEEABLE; OR FOR CLAIMS BY A THIRD PARTY. THE MAXIMUM AGGREGATE LIABILITY SHALL NOT EXCEED THE AMOUNT PAID BY CUSTOMER FOR THE SERVICES. IT IS EXPRESSLY AGREED THAT CUSTOMER'S REMEDY EXPRESSED HEREIN IS CUSTOMER'S EXCLUSIVE REMEDY. THE LIMITATIONS SET FORTH HEREIN SHALL APPLY EVEN IF ANY OTHER REMEDIES FAIL OF THEIR ESSENTIAL PURPOSE. Some states/countries do not allow the exclusion or limitation of incidental or consequential damages, so the above may not apply to you.
5. Should legal action be brought under the terms of this Contract or arise out of the performance of the Services, or should the matter be turned over for collection, Provider shall be entitled, to the fullest extent permitted under law, to reasonable legal fees and costs of collection, in addition to any other amounts owed by Customer.
6. Any labor, materials or other work beyond that identified in this Contract shall require a written amendment to this Contract and will result in additional charges.
7. Any claim by customer for nonperformance or breach under this Contract for damages shall be made in writing to Provider within sixty (60) days after the service date. Failure to make such a written claim for any matter which could have been corrected by Provider shall be deemed a waiver by Customer. **NO ACTION, REGARDLESS OF FORM, RELATING TO THE SUBJECT MATTER OF THIS CONTRACT MAY BE BROUGHT MORE THAN ONE (1) YEAR AFTER THE CLAIMING PARTY KNEW OR SHOULD HAVE KNOWN OF THE CAUSE OF ACTION.**
8. A failure of either party to exercise any right provided for herein shall not be deemed to be a waiver of any right hereunder.
9. CUSTOMER AND PROVIDER EACH WAIVE THEIR RESPECTIVE RIGHTS TO A TRIAL BY JURY WITH RESPECT TO ANY AND ALL CLAIMS OR CAUSES OF ACTION (INCLUDING COUNTERCLAIMS) RELATED TO OR ARISING OUT OF THIS CONTRACT AND AGREE THAT ANY CLAIM OR CAUSE OF ACTION WILL BE TRIED BY A COURT TRIAL WITHOUT A JURY.
10. If any provision of this Contract is found to be ineffective, unenforceable or illegal for any under present or future laws, such provision shall be fully severable, and this Contract shall be construed and enforced as if such provision never comprised a part of this Contract. The remaining provisions of this Contract shall remain in full force and effect and shall not be affected by the ineffective, unenforceable or illegal provision or by its severance from this Contract.
11. No modification, termination, or attempted waiver of this Contract shall be valid unless in writing and signed by the party against whom the same is sought to be enforced.

**SERVPRO is always looking for motivated employees. SERVPRO franchisees offer a variety of positions including crew chief, production helper, office and clerical, and many more. Check out the opportunities with your local SERVPRO franchisee or on our web site at [www.servpro.com](http://www.servpro.com).**

5/2/08 RECEIVED VALUE MAIN FROM PETER

BLANCHARD. GIVING ME A "HASSLE" HE  
TRY PROVIDES THE WITHHOLDING TAX STATEMENT  
WITH A 30% FURTHER STATE. OTHER  
POSITIONS (AMOUNTS)

5/5/08 → RECEIVED INVOICE FROM SERVPRO

5/6/08 → RECEIVED INVOICE (OK) ← GUT  
VERSION CORRECT

→ 0930 CORRECT BLANCHARD'S

CK ID SAME WAS STILL A "HASSLE"  
SMILE + KNOWLEDGE FROM BLANCHARD  
INTO AN INVOICE

→ FROM CORRECT STATE. USE STATE  
ACCOUNT DATA

→ HE WILL BE IN NEXT WEEK



**SECTION 8 - ADDITIONAL COMMENTS BY SUPERVISOR, IF APPROPRIATE:**

*(This section is crossed out with a large handwritten 'X')*

**SECTION 9 - EMPLOYEE'S COMMENTS AND SIGNATURE**

Employee may comment on all or any part of the information contained in this document, including the evaluation process. This may include suggestions or ideas for improvement in the unit or department. If the employee does not concur with the evaluation, check the appropriate box and explain reasons for disagreement.

I understand my job and individual responsibilities, performance expectations and the terms and conditions under which I am expected to work.

I (DO)  (DO NOT) concur with my supervisor's evaluation.

EMPLOYEE SIGNATURE:

DATE:

**SECTION 10 - MANAGEMENT APPROVAL**

**MERIT INCREASE**

Yes  No  Not Applicable

**PROBATION**

End  Extend  Not Applicable

I have personally discussed the content of this document with the employee

SUPERVISOR SIGNATURE/TITLE:

DATE:

REVIEWER SIGNATURE/TITLE:

DATE:

AGENCY HEAD SIGNATURE/TITLE:

DATE:

↓ USE THIS SPACE TO DOCUMENT ADVERSE DECISIONS ON MERIT INCREASE OR PROBATION:

## Cumming, James

---

**From:** Haefele, Julie F.  
**Sent:** Thursday, April 28, 2005 1:32 PM  
**To:** Cumming, James  
**Subject:** RE: Cleaners

Excellent.

Thanks, - I figure its better to be safe than sorry :)

-----Original Message-----

**From:** Cumming, James  
**Sent:** Thursday, April 28, 2005 1:29 PM  
**To:** Haefele, Julie F.  
**Subject:** RE: Cleaners

Julie, I have no problem with them doing the actual work on Monday to clean oil from 2 carpets (1 large area and 1 wall to wall), the tub, and grout in the kitchen floor. They were going to fax me estimate as a courtesy. As long as the work is on the items I have indicated here, they can proceed and send me the invoice when they are done. You can provide this E-Mail as proof of DEP approval to proceed on the items indicated here.

Jim

---

**From:** Haefele, Julie F.  
**Sent:** Thursday, April 28, 2005 1:20 PM  
**To:** Cumming, James  
**Subject:** RE: Cleaners

Jim,

I just re-read this and thought I better make sure I understand this. You said ServPro is faxing you an "estimate" after their visit?

ServPro is coming Monday to physically do the cleaning, therefore, there won't be an "estimate".

They wanted to come out and "see things" first, but I told them neither John or I have the time to spend on a visit and again on cleaning so they agreed to come out on Monday and clean based on what I told them needed to be done.

I just want to make sure we're on the same page so we can avoid any problems before they arise.

-----Original Message-----

**From:** Cumming, James  
**Sent:** Thursday, April 28, 2005 11:07 AM  
**To:** Haefele, Julie F.  
**Subject:** RE: Cleaners

Thanks, Julie. ServPro should be faxing me an estimate shortly after their visit. Maybe we'll have some sun by then?

Jim

**From:** Haefele, Julie F.  
**Sent:** Thursday, April 28, 2005 10:16 AM  
**To:** Cumming, James  
**Subject:** FW: Cleaners

Jim,

FYI,

Service Pro is coming on Monday May 6th.

Julie :)

-----Original Message-----

**From:** Haefele, Julie F.  
**Sent:** Tuesday, April 26, 2005 8:13 AM  
**To:** Cumming, James  
**Subject:** Cleaners

Jim,

For your records; I spoke with Paula Welton of Service Master, yesterday at 4:23 p.m. and canceled our appt for May 6th.

Julie F. Haefele  
Senior Consumer Assistance Specialist  
Consumer Assistance Division  
207/287-1398  
207/287-6889 fax  
Julie.F.Haefele@Maine.Gov

## Cumming, James

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Julie.F.Haefele@Maine.Gov

## Cumming, James

---

**From:** Cumming, James  
**Sent:** Tuesday, April 26, 2005 8:29 AM  
**To:** Haefele, Julie F.  
**Subject:** RE: Cleaners

Got it, Julie. Thanks!

---

**From:** Haefele, Julie F.  
**Sent:** Tuesday, April 26, 2005 8:13 AM  
**To:** Cumming, James  
**Subject:** Cleaners

Jim,

For your records; I spoke with Paula Welton of Service Master, yesterday at 4:23 p.m. and canceled our appt for May 6th.

Julie F. Haefele  
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Julie.F.Haefele@Maine.Gov

## Cumming, James

---

**From:** Haefele, Julie F.  
**Sent:** Monday, April 25, 2005 11:30 AM  
**To:** Cumming, James  
**Subject:** RE: SERVICE MASTER COSTS

Hi,

I just left a message for Service Master to call me back (I will let them know then that I am canceling the appt). Once I talk with them, I will let you know that the appt has officially been canceled.

Thanks!

-----Original Message-----

**From:** Cumming, James  
**Sent:** Monday, April 25, 2005 11:23 AM  
**To:** Haefele, Julie F.  
**Subject:** RE: SERVICE MASTER COSTS

Hi, Julie. We are all set to use ServPro. They will send the bill to me for payment. They will be calling you to schedule. Since you made the original appointment with ServiceMaster, please call them to cancel the May 6 appointment. It would be good if you could let me know who you talk with when you cancel. It never hurts to have a complete record. Thanks!

Jim

---

**From:** Haefele, Julie F.  
**Sent:** Monday, April 25, 2005 8:40 AM  
**To:** Cumming, James  
**Subject:** RE: SERVICE MASTER COSTS

Good Morning,

That's fine. It doesn't matter to me who cleans it.

Thanks for staying on top of this!!

Jules :)

-----Original Message-----

**From:** Cumming, James  
**Sent:** Monday, April 25, 2005 8:37 AM  
**To:** Haefele, Julie F.  
**Subject:** RE: SERVICE MASTER COSTS

Hi, Julie. I talked with ServPro this morning. Unlike Service Master, they will send an invoice directly to the state and accept our payment. This would eliminate the need for you to pay a large sum out of pocket. I assume a change in vendor would be OK with you? I need to get the OK from DEP Response Services....I left a message for them a few minutes ago. I will let you know as soon as I get the go ahead from them.

Jim

---

**From:** Haefele, Julie F.



**Sent:** Friday, April 22, 2005 4:10 PM  
**To:** Cumming, James  
**Subject:** RE: SERVICE MASTER COSTS

Ok.

We'll talk Monday!

Take care,

-----Original Message-----

**From:** Cumming, James  
**Sent:** Friday, April 22, 2005 4:07 PM  
**To:** Haefele, Julie F.  
**Subject:** RE: SERVICE MASTER COSTS

I talked with Ann at the original #. She was knowledgeable of the situation. I understand that you have a May 6 appointment with Servicemaster. Keep the appointment for now. I will talk with DEP Response on Monday. If you end up paying the bill, it would take us about 30-45 days from the date you submit a third party damage claim with the invoice and proof of payment to get you reimbursed. Don't know if this OK with you or not. If not, we should probably look for a vendor who will accept a payment from the State. Again, I would recommend keeping the appointment for now. We'll talk again Monday.

---

**From:** Haefele, Julie F.  
**Sent:** Friday, April 22, 2005 3:55 PM  
**To:** Cumming, James  
**Subject:** RE: SERVICE MASTER COSTS

Jim, She actually called from 495-2007, which I believe is her home #.

-----Original Message-----

**From:** Cumming, James  
**Sent:** Friday, April 22, 2005 3:46 PM  
**To:** Haefele, Julie F.  
**Subject:** RE: SERVICE MASTER COSTS

Can I talk with Paula? What's her phone #?

---

**From:** Haefele, Julie F.  
**Sent:** Friday, April 22, 2005 3:45 PM  
**To:** Cumming, James  
**Subject:** RE: SERVICE MASTER COSTS

I am on the phone with Paula from SM now.. She says I have to pay her upfront in cash or they won't do the work.

She wants \$440 at the time of the visit.

I'll wait to hear from you

Thanks!

-----Original Message-----

**From:** Cumming, James  
**Sent:** Friday, April 22, 2005 3:38 PM  
**To:** Haefele, Julie F.

**Subject:** SERVICE MASTER COSTS

That doesn't match my understanding. My notes say that DEP was going to pay for the work directly. You would just schedule it. I've left a phone message with DEP Response to go over this. At this point, I don't expect I'll hear back till Monday. I'll keep you posted.

---

**From:** Haefele, Julie F.  
**Sent:** Friday, April 22, 2005 3:32 PM  
**To:** Cumming, James  
**Subject:**

Hi,

Service Master just called and told me that we would need to pay them upfront and I would need to get it back from you.

Does this sound right?

Julie F. Haefele  
Senior Consumer Assistance Specialist  
Consumer Assistance Division  
207/287-1398  
207/287-6889 fax  
Julie.F.Haefele@Maine.Gov

## Cumming, James

---

**From:** Blanchard, Peter J  
**Sent:** Monday, April 25, 2005 11:18 AM  
**To:** Davis, Dan  
**Cc:** Cumming, James  
**Subject:** Haefele, Winthrop

Dan,  
Due to Service Master's billing SOP, Serve Pro of Augusta will be cleaning up the Haefele's house in Winthrop instead of Service Master. Service Master would not accept terms of billing to DEP, and wanted the homeowner to pay up front. This would have resulted in delay in payment back to the Haefele's and more paperwork for everyone. Jim Cumming is making arrangements with Serve Pro and will approve the invoice which I will second sign. Mrs. Haefele will cancel the contract with Service Master and confirm with Jim.

Should be no further action for you. Thanks for going out to check out the damage.

Peter J. Blanchard  
Division of Response Services  
phone: (207) 287-3692  
e-mail: peter.j.blanchard@maine.gov

Cumming, James

KAYLA R6 OFF  
WINTHROP HIGHLANDS

From: Cumming, James  
Sent: Friday, April 22, 2005 3:38 PM  
To: Haefele, Julie F.  
Subject: SERVICE MASTER COSTS

377-2322 H  
287-1398 W

That doesn't match my understanding. My notes say that DEP was going to pay for the work directly. You would just schedule it. I've left a phone message with DEP Response to go over this. At this point, I don't expect I'll hear back till Monday. I'll keep you posted.

From: Haefele, Julie F.  
Sent: Friday, April 22, 2005 3:32 PM  
To: Cumming, James  
Subject:

Hi,

Service Master just called and told me that we would need to pay them upfront and I would need to get it back from you.

Does this sound right?

Julie F. Haefele  
Senior Consumer Assistance Specialist  
Consumer Assistance Division  
207/287-1398  
207/287-6889 fax  
Julie.F.Haefele@Maine.Gov

6440 CHARGE

WHAT IS IT FOR??  
~~OT RATE 7/17~~

PAULA

KEEP THIS  
MAY 6 APPROX

APR 4/24/05  
623-4113

CHARGE

TUP

GROUP IN WINTHROP

JUST BY (ST PARTY)  
(CUMMING) BILLING

4/28/05  
1114  
GIVE TO DEPT  
BILL TO ME

SERVER

622-7166  
877-7166

1) PHASE  
2) (COP)

PHASE 1, 0005  
4/25/05, 0005  
ACCOUNT STATE  
PAYMENT

4/28/05, 0830

WINTHROP  
BLANKETING

to they  
will  
can  
handwritten  
as usual  
will be at  
ESTIMATE

11:00

PHONE IS ON  
WITH SHARON  
THE HANGING  
HE CAN GO - AGY  
SERVICE IS WORKING

to 5100  
CHANGE IN  
VARIABLE

A-157-2005

**Cumming, James**

**From:** Cumming, James  
**Sent:** Wednesday, April 13, 2005 8:43 AM  
**To:** Whittier, Scott  
**Cc:** Blanchard, Peter J; Davis, Dan  
**Subject:** ANNABESSACOOK SPILL; HAEFELE PROPERTY

I visited the Haeefe property on Kayla Road in Winthrop with Dan Davis last night. We met with Julie Haeefe and Tim Culbert (a private investigator).

We inspected the indoor items that were reported to be oiled when the Haeefe's dogs tracked product inside. The oiling was observed and appeared to be very minor in nature, with the exception of the dog bed (which will likely require replacement). The other items (rugs, couch, and bath tub) should be able to be cleaned. The next step is for Response to hire a professional cleaner (e.g. Servicemaster) to take a look. Scheduling will be set up directly by the homeowner and the contractor, whom DEP would pay directly against the Spill #. I will be very surprised if cleaning can't resolve these damages, and would be against replacing items (except the dog bed), since the items are very serviceable.

The discussion of damages expanded to lost wages, damage to their access road to the lake, and loss of use of the lake (boating, etc.).

The lost wages are a possibility if DEP staff provides an E-Mail or other documentation that Mr. Haeefe was required to be at the site for some purpose (when, for how long, and why). Mr. Haeefe would also need to support any claim with time card info and documentation of his salary rate.

The access road is a poor quality dirt road. Only the upper portion appeared to sustain any damage (rutting) as a result of response activities. This should probably be addressed directly under the Spill # when conditions improve and things dry out. The lower part of the road is naturally boggy and of very poor quality. I expect this is about normal for the location, and not attributable to the Response.

We inspected the lake shore next. The containment boom had been moved uplake and was no longer in front of the Haeefe property. The quality of the cleanup was excellent. Even with a strong onshore wind that would have pushed in floating oil, there were only a couple flecks of oil sheen visible. The shoreline was very clean. A couple minor spots of black oil were pointed out. There was a minor bathtub ring on several shoreline trees, reflective of higher water when the spill occurred. My opinion is that their shoreline is boatable and fishable right now, except for the 20 degree wind chill. I see no loss of use or devaluation that I could recommend supporting.

The Haeefe's plan to hold off submitting a 3PDC until the cleanup and site restoration activities contracted by DEP are complete.

DAN  
DAN (J)  
CALLING  
0900 4/13  
TIM  
THURSDAY  
AJ  
SCOTT  
SCOTT

JOHN V 4/11/05

ANNUNZIACOSKI (1)

JULIE HARFELDE

~~APPARATE!!~~

377-2322

→ OILS (406)

CALLER 0810 4/11/05

~~H.O. → 9/5 AST~~  
~~GRANDMOTHER~~  
~~NO MORE~~

→ THRU... I/S  
→ TRYING TO CLASH IT.  
→ DISCUSSING PROB PROBLEMS

WALL 7-7938

I CALLED 0820 4/11/05

BLANCHARD (7-3692)

→ PHONED 0830 4/11/05

JULIE VISIT THE PH 7) HE WILL CALL ME

0930

JOHN HARFELDE

→ PHONED →

→ PLANNING OF CLEANUP WORK

→ ISSUE IS "WALL SIZE" LEASTENED

→ HE'S INTERESTING HOW ~~WAS~~ CREATED WORKS OF FINE LATER & CONDUCTS ALL HE'S OK WITH IT →

HE WAS AN OLD TRUCK

→ PLANNING IS HARDLY COMING YET

→ THEN CLEANING 4061 -

THEY STAY OK

1605 GLEN W CALLER CALLER WITH 0830 4/12





STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

April 6, 2005

Frank Moya, MD  
1320 S. Dixie Highway, Suite 1060  
Coral Gables, FL 33146

Dear Mr. Moya:

The Department of Environmental Protection has received your approved application for Insurance Fund coverage for an oil spill at your property in Bar Harbor, Maine in February 2005. Eligible clean up costs as a result of this spill may be paid for by the State of Maine Ground Water Oil Clean up Fund.

After an applicant is found eligible, the applicant is required to pay a "deductible." The remaining eligible expenses (up to \$1 million) are paid from the Ground Water Oil Clean up Fund. **If you spent money for this clean up, please provide copies of invoices and canceled checks (copy the front and back of checks) for the work performed.** This will allow the Department to determine if you have already met the deductible. Any eligible amounts which you have paid, as documented by invoices and canceled checks, that exceed the deductible will be reimbursed to you. If you have spent money for eligible clean up expenses, but the amount does not meet the deductible amount, you will be expected to pay the deductible balance. **The deductible amount that has been assigned for your site is \$500.00.**

If you are mailing in a check or money order, please make it payable to **Treasurer, State of Maine**, and reference **Spill number B-84-2005** on your remittance. Please mail your remittance and/or copies of invoices and canceled checks to the following address:

Department of Environmental Protection  
Attn: Rebekah Koroski  
17 State House Station  
Augusta, Maine 04333-0017

Should you have any questions, please call me at (207) 287-7860. Thank you for your cooperation with this matter.

Sincerely,

James S. Cumming  
Oil Remediation and Claims Unit

AUGUSTA Bureau of Remediation & Waste Management

17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
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 04769-2094  
(207) 764-0477 FAX: 764-1507

ANNABELLA GOOSE STALL

4/11/05 (cont'd)

- 1930 PHOENIX BLANCHARD CALLING ME @ HOME
- HE PROLOGUES FOR NOT GETTING BACK IN AND SOONER
- I AM USING HIM THAT GLAD WE CAN CALL ME.

→ SITE VISIT 4/12 @ 1730

TO SET UP 4/12 AM

4/12/05

0831 I LEAVE GUN WALL

0930 GUN COMES BACK

→ STANCE FOR RE CONTINUED

→ WE AGREE THAT 1ST STEP FOR HARTFIELD WAY TO GET PROFESSIONAL OPINION ON CLEANING OF OLDER ITEMS

→ HE HASN'T HEARD FROM PETER B.

0948 LEAVE / PHOENIX BLANCHARD

1345 PHOENIX / PHOENIX BLANCHARD

WOUNDS OF LARRY SAUER

I CALL HIM

→ I EXPECT WARRANT TO GET INTO MILL

→ MAY HAVE 4/5. PHOENIX WILL CALL HIM - GET BACK OF ME.

MAY HAVE 446.9896

# Registration Complete

You were successfully registered.

**Event Roster for  
4/7/2005 - 8 Hour HAZWOPER Refresher (DEP-SAFE-103)**

**CUMMING, JAMES S.**

**i Approval**

This registration is pending approval by:

- **Training Level Approver:** BARTON, MERRITT J.
- **Registrant Level Approver:** WHITTIER, SCOTT

Successfully registered.

Generated by 'A129952' on Monday, March 14, 2005.

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KAYLA OKK 15/03/05 BLAN MERT

→ 1400 PHOTOGRAPHY/SAFETY

→ 1730 CRISIS

→ 1800 HAZARDOUS WASTE

---

→ 1400 HAZARDOUS WASTE

→ 1400 CONTAMINATION OF PLANTS THAT THE  
HAZARDOUS WASTE AWARE OF

Cumming, James

From: Cumming, James  
Sent: Tuesday, April 12, 2005 2:16 PM  
To: Whittier, Scott  
Subject: ANNABESSACOOK LAKE OIL SPILL: WINTHROP

BUATTING  
LAST OF USE  
FURT WORK THIS  
OK  
In cleaning  
WIP!  
VIA MASCOK INTEREST

The family who discovered this spill this past weekend has reported oil damage to a carpet and a couch. Their dogs reportedly tracked the oil inside their residence. Response has asked me to attend an on-site meeting with them tonight at 5:30 PM to go over the 3<sup>rd</sup> PDC process. Dan Davis from Response will also attend.

DIRT ACCESS Rm by 4/12/05 (4/12)

IN CULBERT  
WOUND HARMERS

OXY BLEACH  
TRY  
BY 4/12/05

GENE STAIRS  
5-6 SPOTS  
1-2" SIZE  
TUB  
BR W/P

AREA RUB  
L/R  
5-6 SPOTS  
1-2" SIZE

I  
ASK FOR  
RECEIPTS  
FOR ITEMS  
TO RST.  
AGE &  
VALUE

L/R LEATHER GRAY COUCH

5-6 SPOTS  
LIGHTLY WASHED  
DARKENING UP

NOG B/T

QUITE OK STAIRS

REPLACE  
WIP FOR  
A BIT  
TO REMOVE  
POSSIBLY  
RE-USE

MEET STP. CONSIDER CLEANER