

**CLOSURE EXPENSE MEMO**

TO: Kelly Webster  
FROM: Janet Gorman  
DATE: August 21, 2014  
RE: Project Status in SSTS/Notice of Site Closure

\*\*\*\*\*

<b>SITE:</b>	<b>Spill #</b>	<b>Spill Name/Town</b>
	<b>A-157-2005</b>	<b>Commerce Center/Winthrop</b>

Kelly-

Just wanted to let you know that this site has been officially closed by Tech Services. All of the invoices that Tech Services was responsible for, have been paid under account code 014-06A-1517-442.

Let me know if you should have any questions.

Thanks, Janet

**Cumming, James**

---

**From:** Koroski, Rebekah  
**Sent:** Friday, October 13, 2006 2:56 PM  
**To:** Benn, Tom  
**Cc:** Cumming, James  
**Subject:** Winthrop Commerce Center Invoice

Hi Tom,

The voicemail that I left you regarding Winthrop Commerce Center was regarding the \$1,800.00 invoice that you sent for processing.

Because Winthrop Commerce Center has Fund Coverage, in order to receive reimbursement, they should submit a copy of the invoice for the cost of replacing the fence and proof of payment and then we can reimburse them under the Fund Coverage Cost Guide rules. The Claims Unit requires all approved fund applicants to submit their expenses for review and eligibility determination.

I understand that you and Peter agree that this is an eligible expense, and I am not arguing that..... but for audit purposes, we need to be able to prove that this was an eligible expense that they actually paid for, or pay the contractor directly ourselves.

Did they submit a copy of the paid invoice for the fence to you once the work was completed? If they did, we might be able to process it now.

Thanks,

Bekka

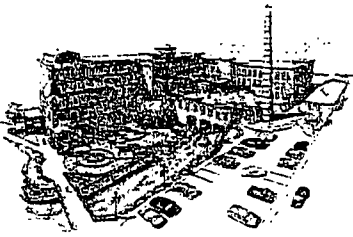
Rebekah L. Koroski, Cost Recovery Unit Manager  
State of Maine  
Department of Environmental Protection  
Office of the Commissioner  
Phone: (207) 287-7192  
Fax: (207) 287-2814  
Email: rebekah.koroski@maine.gov

10/13/06

→ Verdict of BEKKA

→ Reimbursement WAS NOT  
then processing yet

→ Still bringing back to  
Tom Benn.



# Winthrop Commerce Center

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

## INVOICE

Tom Benn, DEP Project Mgr.  
State House Sta.# 17  
Augusta, Me.04333-0017

Fence at the Winthrop Commerce Center sight on the east side of the Mill Stream, as agreed upon by Mr. Blanchard of DEP: \$1,800.00

Please remit to: Winthrop Commerce Center, LLC  
P. O. Box 333  
Winthrop, Me. 04364

*October 2006*

Should you have any questions please contact Lou Carrier, President of WCC at 446-3311

*Winthrop Commerce Center  
\*FINAL BILL\**

*Reimbursement for cost  
of replcat fence at  
extension - which is  
final invoice for  
this project*

### APPROVED FOR PAYMENT

vc \_\_\_\_\_ docid: PV06A  
fnd 014 agcy 06A org 1546 suborg \_\_\_\_\_ appr 442  
objt \_\_\_\_\_ subobjt \_\_\_\_\_ revsre \_\_\_\_\_  
job A-157-2005 replcat \_\_\_\_\_  
amount \$ #1800

AUTHORIZED SIGNATURE \_\_\_\_\_

*[Signature]*  
*October*  
*14/10/06*  
*Paul J. Blanchard 10-10-06*



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Jim F&E  
Peter  
No action required*

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

May 18, 2006

Mr. Rich Campbell  
Campbell Environmental Group  
173 Gray Road  
Falmouth, Maine 04105

Re: Winthrop Commerce Center, final invoice #1607

Rich,

I reviewed the final invoice #1607 dated 5/10/06 for work performed in November and January on the Winthrop Commerce Center and have approved partial payment. I have the following modifications based on previous invoices, the Site Investigation Report, and Fund Coverage Cost Guide.

Mileage is allowable at the rate approved for State Travel policy on the date the travel is performed. November 29, 2005 the rate was \$0.34/mile rather than the \$0.50 on the invoice resulting \$46.00 payable rather than \$61.50.

I will not approve the proposed charge for a multigas VRAE rental for the subsurface investigation in the amount of \$165.00. There was no need for the use of an explosimeter for these borings and there was no mention of LEL/H<sub>2</sub>S/O<sub>2</sub>/CO monitoring in the text or boring logs of the site investigation report. DEP appropriately paid for the PID for this time period on invoice #1592 approved 2/7/2006.

I cannot contest the additional \$1,087.50 in labor Campbell proposes for report preparation and graphics, however, for a three page letter with attachments, which DEP already paid over \$1,000.00, this seems rather costly. With these two adjustments, the final approved amount for invoice #1607 is \$1,508.50.

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

This concludes Campbell Environmental's involvement in the Winthrop Commerce Center project insofar as DEP Response is concerned.

Sincerely,



Peter J. Blanchard  
Division of Response Services  
Bureau of Remediation & Waste Management

p.c. Diana Frith, DEP finance administration  
James Cumming, DEP Claims Unit

COPY

Campbell Environmental Group  
173 Gray Road  
Falmouth, Maine 04105  
207-253-1990 Fax: 207-253-1988  
E-MAIL: ceg@cegenvironmental.com

Remit to:  
Campbell Environmental Group  
173 Gray Rd  
Falmouth, ME 04105

Bill to:  
  
Maine Department of Environmental Protection  
4 Blossom Lane  
Augusta, Maine 04330  
  
Attention: Peter Blanchard  
  
Final Invoice

Date: 5/10/06  
Period: 12/31/05 - 3/1/06  
Invoice: 1607  
Service Order:  
Job Contract:  
CEG Project: 0905-117-00  
Address: Main Street  
Winthrop, Maine  
Facility: Former Carleton  
Woolen Mill

Task Description	Date	Units	Rate	Amount
Task 330 Subsurface Investigation				
Expenses				
VRAE LEL Meter*	11/14/05	1.00	50.00	50.00
VRAE LEL Meter*	11/15/05	1.00	50.00	50.00
VRAE LEL Meter*	11/16/05	1.00	50.00	50.00
Truck Mileage	09/29/2005	123.00	0.50	61.50
<b>TOTAL FOR TASK 330</b>				<b>\$226.50</b>
Task 400 Report Preparation and Graphics				
Labor				
Jennifer Weymouth				
Geologist IIP	01/11/2006	0.50	70.00	35.00
Geologist IIP	01/12/2006	0.25	70.00	17.50
Aaron Brignull				
Environmental Scientist IP	01/23/2006	1.00	55.00	55.00
Kevin Hardwick				
Hydrogeologist IIP	01/12/2006	5.50	60.00	330.00
Hydrogeologist IIP	01/13/2006	3.50	60.00	210.00
Glenn L. Daukas				
Geologist IVP	01/09/2006	2.00	80.00	160.00
Geologist IVP	01/11/2006	0.50	80.00	40.00
Geologist IVP	01/12/2006	2.00	80.00	160.00
Geologist IVP	01/13/2006	1.00	80.00	80.00
<b>TOTAL FOR TASK 400</b>				<b>\$1,087.50</b>
Task 600 Project Management				
Labor				
Danica Wallace				
Geologist IIP	02/02/2006	2.50	70.00	175.00
Richard B. Campbell				
Geologist IVP	01/23/2006	1.00	80.00	80.00
Geologist IVP	01/31/2006	0.50	80.00	40.00
Geologist IVP	02/02/2006	1.00	80.00	80.00
<b>TOTAL FOR TASK 600</b>				<b>\$375.00</b>
<b>Sub Total</b>				<b>\$1,889.00</b>
Maine State Sales Tax				0.00
<b>Total for This Invoice</b>				<b>\$1,889.00</b>

NOT APPROVED  
NOT APPROVED  
NOT APPROVED  
\$46.00 (PB)

should be 0.34/mile

\* = subject to 10 % administrative mark up

1508.50 (PB)

# RENTAL INVOICE



**Pine Environmental Services, Inc.**  
 P.O. Box 943  
 Hightstown, NJ 08520  
 Toll-Free 1-800-301-9663 Fax 1-609-371-1663  
 www.pine-environmental.com

**INVOICE NUMBER:** 0245680

**INVOICE DATE:** 11/30/2005

**CONTRACT:** E057520

**BEGIN DATE:** 11/14/2005 **MON**

**END DATE:** 11/16/2005 **WED**

**SHIP DATE:** 11/11/2005

**BILLED TO:** 04-CA04101  
 CAMPBELL ENVIRONMENTAL GROUP  
 173 GRAY ROAD  
 ATTN: ACCOUNTS PAYABLE  
 FALMOUTH, ME 04105

**SHIP TO:**  
 \*\*\*CUSTOMER PICK UP\*\*\*

**CONFIRM TO:** Glen Daukus

**PROJECT #:** N/A

**Special Notes:**

CUSTOMER P.O.	SHIP VIA	SHIPPER ID	TERMS
0905-117-00	Customer Pick Up		Net 30 Days

ITEM NUMBER	TYPE	UNIT	SHIPPED	BALANCE	AMOUNT
-------------	------	------	---------	---------	--------

3 Day Rental 11/14-11/16 only  
 back 11/18 pm

RAIR40100	R	EACH	1.00	0.00	150.00
VRAE RENTAL LEL-O2-CO-H2S-HCN			Warehouse: ME1		
Contains: Charger, Manual, Probe Alk Battery Adapter, and 4-AA Batteries					

ME. ID# 3411

Account	
Job Name	DEP/WIN/PROP WCC
Job #	0905-117-00 330
	RC OK 3/2/06

Net Invoice:	150.00
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
<b>Total:</b>	<b>150.00</b>

# CEG Vehicle Mileage, Equipment Rental, and Materials Log Dodge Blue Caravan #33

Date	Initials	Job Information			Equipment Rental		Mileage	
		Name	#	Task	Start	End	Total	
9/29						27363		
9/29	GD	DEC Lynchburg	0805117-00	630		27363	27486	
10/7	AB		0805-114-00	300		27775	27878	
10/13	RC					27974	28124	
10/18	GD		Bd			28209	28376	
10/18	AB		1005-122-00	300		28385	28447	
10/20	AD		0701-040-01	200-05		28456	28464	
10/21	GD		1005-122-00			27478	28617	

H=PID M=Metal Detector L=Lal DO=DO meter SP=Air Pump

## CEG Materials Used

Date	Initials	Name	#	Task	Materials Used


2 or 4 TB= Baller 2" or 4" 1, 2, or 4G=1", 2", or 4" Gripper L= Lock W= Distilled Water RB= Road Box J= Sampling Jar



State of Maine

Department of Environmental Protection  
Bureau of Remediation & Waste Management  
Division of Response Services

MEMORANDUM

To: Diana Frith  
From: Peter Blanchard   
Date: 2-7-2006  
Subject: Request Reimbursement, A-157-2005  
Campbell Environmental Invoice #1592

\*\*\*\*\*

Hi Diana, this invoice was hand delivered last week by Campbell Environmental to Theresa Scott, so it is not dated. She sent it to me interoffice. The invoice is for remedial investigation work performed at the Winthrop Commerce Center spill A-157-2005. A portion of the invoice is not eligible for payment under the Fund Cost Guide. This portion was billed by Morrissey Environmental and was for analysis of Asbestos in the amount of \$1650.00.

Please request reimbursement in the amount of \$1650.00 from:

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

p.c. Jim Cumming, Claims unit leader

①

WCC Mtg 1/2/06 0900-1030

- Duke Guala
- Ken Lovie
- Lew Carpenter
- Brian Parker
- Peter Blawie
- Mark Hylton

⊗  
 "Programs"  
 it  
 can  
 offer

→ Contamination 1) 17 ft below surface  
 → PCB removal works

→ Use for sprinklers, etc on parking  
 space (underneath) (their assertion)  
 use of existing block?

→ Waste concrete → concrete as just use as fill.  
 remove existing 1) avoid future use on site)  
 (Lew will pay for better fill)

→ ~~Research~~ remaining work by [unclear]  
 (field work) → [unclear] to complete → [unclear]  
 future.

→ [unclear] work [unclear] [unclear] [unclear]  
 (Grass - a plan for Level 6)

→ Bill [unclear] pay on value of block  
 (\$90k value)

→ Bill '00 [unclear] will cut some  
 \$60k?

- looking for yr or 490th
- WCC fronts, "surveys" BT when
- BY REVIEWS!

↳ THEN SHOWS OR COMPARISON FOR COST VALUE!

WCC (W/ I/ I/ I) → NOT RECOGNIZABLE  
 → PREPARE APPLIC TO GIVE  
 → ANALYSIS WORK FOR  
 ↓ ↓ → RECOGNIZABLE!

→ IDENTIFY "SOMETHING" IN ORDER TO "OBTAIN THE COST OF (W/ I/ I) (LADY)"

→ > CAN WE PAY FOR CONSTRUCTION & ENHANCE KICKING THROUGHOUT!  
 (GRAB, PAY)  
 PAYING RAILROAD!

IN CASE OF PROJECT VALUE COST

→ NOT KNOW KNOWLEDGE OF PROJECT!  
 (NOT KNOW WHAT COST ~~IS~~)  
 CRASHING THEM EVEN WAS!  
 AT DATA


3

→ PERMIT FOR WORK THAT WCC PLANS)

NEXT STEPS:

- WCC PARTNERS + LOOK @ WHAT WORKS  
BE HELPFUL TO THEM. →

- PATH TO START WORK.

- PICK IN WITH THEM <sup>IMMEDIATELY</sup> FOR QUP.

RESPECTS  
ALREADY

APPROX 15% OF WCC  
CONFORMANCE

(SLOTTING VOLUNTEERS FOR  
2ND LOOK AT INVOICE)

DISCUSS  
LATER  
☺☺

FOR COST OF VALUE

PROCESSED → IN WAY, VALUE MINUT.  
THE CALL THEN HAS BRACKET UP  
UP WITH NOT APPLICABLE

LATER DATE WILL LEFT

START UP PROVIDE UP JOB

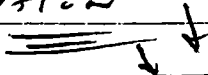
I SAY & STAYING - NO STATE  
ASSIGNMENT - PART OF DAY  
THAT'S BIG "SOMETHING"

(4)

→ RAJINDR N RAJINDER BUNWARY

• MIGRATION → I RAJINDR /

OPTION



copy RAJINDR RAJINDER NCT  
SITE 7-1

# Sprague & Curtis

REAL ESTATE

Great People • Great Places

January 10, 2006

Mr. Louis Carrier  
P.O. Box 67  
Winthrop, ME 04364

RE: The Winthrop Commerce Center (Boiler room, pump room, and electrical room), Main Street, Winthrop, Maine

Dear Lou:

Per your request I'm submitting my opinion of the fair market value of the above captioned property. My opinion is based on my personal inspection of the property.

The subject property consists of three spaces within the facility – a boiler room of approximately 2,100 sq. ft., an electrical room of approximately 700 sq. ft., and a pump room of approximately 200 sq. ft. These spaces are projected to be torn down.

In determining a value I'm assuming the most logical use of this space is for warehouse related activities. Warehouse space sale prices, depending on the utility, location and condition, run between \$10 - \$50 per square foot.

It is difficult to determine an exact value for this space. First, I can't find any local comparables. Second, this is a very small portion of a large facility. Third, this project is in the early stages of a major redevelopment. At one end of the spectrum an empty building would lead to a low dollar per square foot value while a completely redeveloped facility would generate a price much higher than warehouse space. In my opinion a fair value on the space to be removed would be the \$30 per square foot "average" for warehouse space.

Based on the above information, a review of warehouse sales, and my personal knowledge, it is my opinion the 3 spaces to be torn down have a fair market value of \$90,000.

I hereby certify that I have no personal interest, present or prospective, in the herein described property; that my employment in making this valuation is in no way contingent on the amount of my valuation; that I have inspected the property; and that, in my opinion, the fair value is as noted above.

**"This opinion or appraisal was prepared solely for the client, for the purpose and function stated in this report and is not intended for subsequent use. It was not prepared by a licensed or certified appraiser and may not comply with the appraisal standards of the uniform standards of professional appraisal practice."**

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Sprague, Jr.", written in a cursive style.

Bill Sprague, Jr.  
Realtor



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FILE  
SENT VIA FAX  
12-28-05  
PJR

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

December 28, 2005

Mr. Louis Carrier, on behalf of the WCC Partners  
Winthrop Commerce Center, LLC  
162 Main St.  
PO Box 333  
Winthrop, Maine 04364

Re: Demolition of Boiler room, adjacent structures

Dear Mr. Carrier:

As you know the Department has been investigating and remediating the heavy oil spill associated with the boiler building at the mill. Environmental Projects has demolished several layers of concrete that made up the floor of the boiler building as well as some concrete structures below grade. Progress has been slow and no contaminated materials have been removed yet due to the difficulty of removing the subsurface structures, limitations of equipment inside the building, and the depth of the contamination. It is the Department's opinion that the boiler building, the pump house (Building 11) and the adjacent transformer room (part of Building 8) should be demolished to allow removal of the contamination which occurs just above bedrock in this area. Demolition of these structures would ensure that the contaminated soil removal would be done safely and efficiently by larger excavators. The overhead hazards would be removed, and the threat of undercutting the footings of the foundations and possible collapse would be eliminated.

Our objective continues to be protection of the Mill Stream and Annabessacook Lake. Oil continues to leach to the stream at a slow rate and is being contained by floating boom down stream. DEP staff has been removing oiled debris intermittently. Needless to say, this is not viewed as a sustainable practice.

To proceed with the project, we propose to demolish the following areas:

1. The roof and exterior walls of the boiler building and the rock foundation on the Mill stream side of this building.
2. The roof and exterior walls of the room that houses the main electrical transformer bank identified as mill Building 8.

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



3. The roof and exterior walls of the pump house identified as Building 11. The foundations of these structures would be left in place unless removal was required by discovery of additional contamination.

It would be DEP's intention to re-use the non contaminated soil and concrete as fill once the contaminated soil is removed. DEP would replace/repair the retaining wall along the Mill stream, and grade the area level for parking or open space. Some of the concrete structures, i.e. lower parts of the foundations and footings would remain in place below grade.

It would be DEP's intention to remove the underground storage tank and associated piping and dispose off site only to the extent that it is necessary to access contaminated soil beneath the tank.

It would be DEP's intention to cut the brick walls which will remain as part of Building 8, to provide a smooth finished appearance, and repair the roof above the remaining wall to a water tight condition. We would conduct this work under coordinated schedule and detail as guided by LaJoie Bros. and Don's Electric. It is DEP's understanding that the only expenditure for the relocation of the transformers/electrical service to the inside wall of the room abutting the transformer room in Building 8 would be the cutting of new access holes in the exterior of the building.

It would be DEP's intention to allow WCC to salvage any metal debris, motors, pumps, or equipment encountered in the demolition process.

Disposal of any hazardous waste or asbestos material would be the responsibility of WCC as the Groundwater Insurance Fund cannot pay for this per Statutory limitation. There are two gaskets on pumps in the pump house Building 11 that were identified as containing asbestos. No other wastes are known to exist at this time which would be hazardous.

So far, DEP has expended approx. \$175,000 to remediate the oil discharge from WCC. We have obtained a cost estimate to demolish the above referenced structures of approximately \$40,000. Excavation and disposal of contaminated soil, replacement of fill, replacement of the retaining wall, and repairing the roof interface on Building 8 will be additional expenses incurred as eligible clean up costs and paid for as part of the Fund eligible clean up costs. There may be other expenses not foreseen at this time. The limit of fund coverage for an occurrence is \$1,000,000.00 pursuant to 38 M.R.S.A. § 568(2)(c) as referenced in your application.

Before proceeding with this phase of remediation, DEP solicited comment from the Winthrop Commerce Center. Ken LaJoie raised the question "will WCC be compensated for the buildings to be removed".

The Fund Coverage Cost Guide allows DEP to remove structures if necessary to cleanup a site. As such, DEP can use the Ground Water Oil Clean-up Fund to pay for the removal of the buildings in question. The Cost Guide further states, however, that loss of property value is not an eligible cleanup cost. The Department views the demolition of these buildings as an improvement to the property since the condition of the buildings is poor i.e. cracked walls, leaking roof, lack of utilities. Therefore DEP will not replace or provide compensation for the value of these buildings.

DEP would like to proceed with this demolition work as soon as practicable. Please contact me with any questions you may have in regard to this letter, or if I can provide any additional information at 287-3692.

Sincerely,



Peter J. Blanchard  
Division of Response Services

p.c. Mark Hyland, Director Division of Response Services  
Scott Whittier, Director Oil & Hazardous Waste Facilities Regulation  
Fred Lavalley, Senior Environmental Engineer  
Jim Cumming, ES IV 3<sup>rd</sup> Party Claims



Department of Environmental Protection  
Response Building  
4 Blossom Lane  
Augusta, Maine 04333-0017  
Tel: (207)287-7800  
Fax: (207)287-7939

# Fax Cover Sheet

To: Lon From: Peter Blandford

Attn: \_\_\_\_\_ Pages: 4

Fax: 377 2346 Date: 12-28-05

Re: \_\_\_\_\_ CC: \_\_\_\_\_

Urgent     For Review     Please Comment     Please Reply     Please Recycle

● Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1/11/06  
can't / please

**Cumming, James**

**From:** Blanchard, Peter J  
**Sent:** Tuesday, January 10, 2006 9:31 AM  
**To:** 'Kenneth O Lajoie'  
**Cc:** Cumming, James; Whittier, Scott; Hyland, Mark; Garrett, Deborah N; Davis, Stephen K; Martin, SenJohn; 'Lou Carrier'  
**Subject:** RE: Meeting, Winthrop Commerce Center

+ can't meet 1/13/06

Ken,  
 I spoke with Senator Martin this morning. He is unavailable to meet and encouraged the rest of the team to meet without him. I spoke with Lou Carrier and he indicated that he would be available to meet this Thursday 9 AM at DEP response conference room 1. He thought two or three of the partners would also be available.

For those that may be unfamiliar with the location, proceed up Arsenault St by Maine General hospital. Take a left onto Blossom Lane. There is a large parking lot immediately on the left, park here. The Response building is the second driveway on the right. The brick building is marked "DEP Response". The main entrance is also marked "4 Blossom Lane". Our receptionist is on the left.  
 Peter

---

**From:** Kenneth O Lajoie [mailto:klajoie@lajoiebro.com]  
**Sent:** Monday, January 09, 2006 12:54 PM  
**To:** Blanchard, Peter J; Martin, SenJohn; 'Lou Carrier'  
**Cc:** Cumming, James; Whittier, Scott; Hyland, Mark; Garrett, Deborah N; Davis, Stephen K  
**Subject:** RE: Meeting, Winthrop Commerce Center

Peter,  
 Have we selected a meeting time yet?  
 Ken

---

**From:** Kenneth O Lajoie [mailto:klajoie@lajoiebro.com]  
**Sent:** Thursday, January 05, 2006 1:34 PM  
**To:** 'Blanchard, Peter J'; 'Martin, SenJohn'; 'Lou Carrier (winthropcommerce@ctel.net)'  
**Cc:** 'Cumming, James'; 'Whittier, Scott'; 'Hyland, Mark'; 'Garrett, Deborah N'; 'Davis, Stephen K'  
**Subject:** RE: Meeting, Winthrop Commerce Center

Peter,  
 I am available on the 11<sup>th</sup> and until 10:00 AM on the 13<sup>th</sup>  
 Ken

---

**From:** Blanchard, Peter J [mailto:Peter.J.Blanchard@maine.gov]  
**Sent:** Thursday, January 05, 2006 12:27 PM  
**To:** Martin, SenJohn; klajoie@lajoiebro.com; Lou Carrier (winthropcommerce@ctel.net)  
**Cc:** Cumming, James; Whittier, Scott; Hyland, Mark; Garrett, Deborah N; Davis, Stephen K  
**Subject:** Meeting, Winthrop Commerce Center

Dear Senator Martin, Ken, & Lou,

As requested by Senator Martin, DEP staff is available to meet to discuss the demolition of the boiler building and adjacent structures at Winthrop Commerce Center.

Was wondering what your availability would be for the morning of either the 11th or the 13th? If not available, could you propose alternate dates. Thanks.

Peter J. Blanchard  
Division of Response Services  
phone: (207) 287-3692  
e-mail: [peter.j.blanchard@maine.gov](mailto:peter.j.blanchard@maine.gov)

## Cumming, James

---

**From:** Whittier, Scott  
**Sent:** Wednesday, January 04, 2006 8:19 AM  
**To:** Cumming, James; Blanchard, Peter J; Davis, Stephen K  
**Cc:** Hyland, Mark; Garrett, Deborah N  
**Subject:** RE: Winthrop Commerce Center

I'm available the mornings of the 11th or 13th.

---

**From:** Cumming, James  
**Sent:** Wednesday, January 04, 2006 7:35 AM  
**To:** Blanchard, Peter J; Davis, Stephen K  
**Cc:** Hyland, Mark; Whittier, Scott; Garrett, Deborah N  
**Subject:** RE: Winthrop Commerce Center

Any of those dates are OK with me at this time. I am not aware of any such case in Bridgewater. The case I am aware of was in Milford (Costigan).

---

**From:** Blanchard, Peter J  
**Sent:** Tuesday, January 03, 2006 5:04 PM  
**To:** Davis, Stephen K  
**Cc:** Hyland, Mark; Whittier, Scott; Cumming, James; Garrett, Deborah N  
**Subject:** FW: Winthrop Commerce Center

Steve, sorry forgot to cc you on this note as well.

---

**From:** Blanchard, Peter J  
**Sent:** Tuesday, January 03, 2006 4:57 PM  
**To:** Hyland, Mark; Whittier, Scott; Cumming, James  
**Cc:** Garrett, Deborah N  
**Subject:** Winthrop Commerce Center

Senator John Martin called me this PM. He would like to set up a meeting with DEP to discuss our position that the vacant boiler building would not be compensable under the insurance fund. He recalled the Bridgewater gas station where the owner was re-imbursed. I countered that DEP was aware of that situation, and that we saw the Winthrop building as being vacant and of no value. He disagreed, and would like to discuss. He stated he was not looking for a million dollars replacement value, but felt the building has some value.

Mark, I know you are in Presque Isle conducting interviews this week. Would you folks be available for the 10th 11th or 13th for a meeting with Senator Martin and the WCC Partners? Alternate date? I am not available the 12th.

Peter J. Blanchard  
Division of Response Services  
phone: (207) 287-3692  
e-mail: peter.j.blanchard@maine.gov

**Cumming, James**

---

**From:** Cumming, James  
**Sent:** Wednesday, January 04, 2006 7:35 AM  
**To:** Blanchard, Peter J; Davis, Stephen K  
**Cc:** Hyland, Mark; Whittier, Scott; Garrett, Deborah N  
**Subject:** RE: Winthrop Commerce Center

Any of those dates are OK with me at this time. I am not aware of any such case in Bridgewater. The case I am aware of was in Milford (Costigan).

*BURR'S GEN'L STORE / MILFORD*

---

**From:** Blanchard, Peter J  
**Sent:** Tuesday, January 03, 2006 5:04 PM  
**To:** Davis, Stephen K  
**Cc:** Hyland, Mark; Whittier, Scott; Cumming, James; Garrett, Deborah N  
**Subject:** FW: Winthrop Commerce Center

*(13-488-2001)*

Steve, sorry forgot to cc you on this note as well.

---

**From:** Blanchard, Peter J  
**Sent:** Tuesday, January 03, 2006 4:57 PM  
**To:** Hyland, Mark; Whittier, Scott; Cumming, James  
**Cc:** Garrett, Deborah N  
**Subject:** Winthrop Commerce Center

Senator John Martin called me this PM. He would like to set up a meeting with DEP to discuss our position that the vacant boiler building would not be compensable under the insurance fund. He recalled the Bridgewater gas station where the owner was re-imbursed. I countered that DEP was aware of that situation, and that we saw the Winthrop building as being vacant and of no value. He disagreed, and would like to discuss. He stated he was not looking for a million dollars replacement value, but felt the building has some value.

Mark, I know you are in Presque Isle conducting interviews this week. Would you folks be available for the 10th 11th or 13th for a meeting with Senator Martin and the WCC Partners? Alternate date? I am not available the 12th.

Peter J. Blanchard  
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e-mail: peter.j.blanchard@maine.gov

1/4/06 (0900) RAW KILLER RE REQUEST ORANGE 00  
HAS NO RELEVANT INFO. LISA LOOKING FOR  
CORAN 00. FOUND - REVIEW. JUST NEWS ARTICLE

**Cumming, James**

---

**From:** Sypitkowski, Robert A  
**Sent:** Wednesday, January 04, 2006 10:24 AM  
**To:** Cumming, James; Lavallee, Fred C  
**Subject:** RE: BURR'S GENERAL STORE; COSTIGAN (B-488-2001)

Bridgewater, I-058-89  
In the works.

---

**From:** Cumming, James  
**Sent:** Wednesday, January 04, 2006 10:03 AM  
**To:** Sypitkowski, Robert A; Lavallee, Fred C  
**Subject:** RE: BURR'S GENERAL STORE; COSTIGAN (B-488-2001)

Thanks, Robert. Yes, I would like to see the Bridgewater appraisal as well. Do you have the Spill # for the Bridgewater site?

---

**From:** Sypitkowski, Robert A  
**Sent:** Wednesday, January 04, 2006 9:59 AM  
**To:** Cumming, James; Lavallee, Fred C  
**Subject:** RE: BURR'S GENERAL STORE; COSTIGAN (B-488-2001)

James,  
A copy is in the mail. We also did a Maineland appraisal for a buyout/demolition in Bridgewater. Interested?

The copy is a second, so if it will be of use to you, keep it.

Robert

---

**From:** Cumming, James  
**Sent:** Wednesday, January 04, 2006 9:39 AM  
**To:** Lavallee, Fred C; Sypitkowski, Robert A  
**Subject:** BURR'S GENERAL STORE; COSTIGAN (B-488-2001)

I am in the process of reviewing this site for its applicability to the Winthrop Commerce Center site. At the Costigan site, the DEP purchased the right to remove the store for remediation purposes. The \$\$ figure arrived at involved an appraisal by Maineland Consultants. The DEP paid \$3,300 for the appraisal. This appraisal was not overseen by the Claims Unit. Instead, you were involved in this process. The files in the file room and the invoice file do not include a copy of the appraisal. Do either of you have a copy? I'm assuming that you do. Thanks in advance.



**Cumming, James**

---

**From:** Cumming, James  
**Sent:** Wednesday, January 04, 2006 9:39 AM  
**To:** Lavalley, Fred C; Sypitkowski, Robert A  
**Subject:** BURR'S GENERAL STORE; COSTIGAN (B-488-2001)

I am in the process of reviewing this site for its applicability to the Winthrop Commerce Center site. At the Costigan site, the DEP purchased the right to remove the store for remediation purposes. The \$\$ figure arrived at involved an appraisal by Maineland Consultants. The DEP paid \$3,300 for the appraisal. This appraisal was not overseen by the Claims Unit. Instead, you were involved in this process. The files in the file room and the invoice file do not include a copy of the appraisal. Do either of you have a copy? I'm assuming that you do. Thanks in advance.

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By Doug Kesseli, Of the NEWS Staff e-mail [Doug](#)  
Last updated: Saturday, October 27, 2001

## Burr's General Store prepares to close

COSTIGAN — Considered a landmark where people could come in for a quick gas fill-up or stay awhile and eat and talk, Burr's General Store is closing for good early next month.

The combination store and restaurant will be torn down. Owner Bill Osborne said rebuilding it after state environmental authorities have cleaned up spilled gasoline on the site is beyond his means and inclination and will be left to someone else.

It was a difficult decision to make, he said Friday, acknowledging that the store has been an institution in the village. Customers became regulars, with some eating three meals a day in the restaurant, said Osborne, who used to visit the store as a child while visiting his uncle, who lived nearby.

"That's what's hard about having to remove it, a lot of people are going to miss it," he said.

Osborne had thought of keeping it open to weather the slowdown that the layoffs of 230 people from the nearby Passadumkeag and Costigan stud mills had brought this spring.

Consumers began spending less, although it appeared that sales were beginning to level out, said Osborne, who has owned the Route 2 store since June 2000, although the store has been standing on Route 2 for about a century in one form or another.

The store's future took a dramatic turn for the worse in early September when a sheen was spotted along the Penobscot River and state environmental authorities traced it to its source: a pipe leading to the store's gas pumps had been leaking.

Osborne said he's been told the pipe may have been leaking for five or six years.

Ed Logue, regional director with the Maine Department of Environmental Protection, described the leak as substantial and estimated that in excess of 5,000 gallons had leaked from an



underground feed line that connected the pump station with the gas tanks.

Fuel was making its way underneath the store through the leach field and through the water table to the river and into the store's well water. Authorities worried that the gas would reach neighboring wells, although Logue said an investigation determined they were clean. Logue also said that cleanup crews got it before there was appreciable contamination to the river.

The cleanup so far has managed to remove the fuel from the river and around the store and restaurant.

Osborne had two options for the rest of the cleanup. One was to slowly pump out the contaminated water, treat it and then discharge the cleaned water, a process that Logue estimated could take between five and 20 years. A less costly but more dramatic option would demolish the building to allow cleanup crews to more quickly get at the remainder of the gasoline under the building.

Osborne said he made the difficult decision to tear down the building, although as part of a preliminary agreement with the state, he will retain ownership of the land. Logue said that the agreement has not been completed and he could not release how much the state is paying for the building. But he said the price was based on a commercial appraisal. The money will come from a state fund set aside for such cleanups.

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# Fund Coverage Cost Guide

Maine Department of Environmental Protection

The Fund Coverage Cost Guide that follows is intended to give guidance regarding what will be considered for payment or reimbursement from the Ground Water Oil Clean-Up Fund on a site where an applicant has been found eligible for coverage by the Fund program, under 38 M.R.S.A. Section 568-A.

Only eligible cleanup costs will be paid. Maine statute provides that eligible cleanup costs are those direct expenses including expenses for site investigation that are necessary to clean up the discharge of oil to the satisfaction of the Commissioner, are cost effective, reliable and technologically feasible and effectively mitigate or minimize damages and provide adequate protection of public health, welfare and the environment. All remedial actions and their associated costs should be submitted in writing and pre-approved by Department personnel before the work takes place.

1) Administrative Costs

Administrative costs incurred in completing an application for fund coverage or reimbursement request and responding to Department requests and comments are not eligible cleanup costs.

2) Aesthetics

Restoration of those portions of the property affected by the investigation/remediation (excluding the areas of the tanks and piping) to their pre-discharge appearance is eligible for payment. Such restoration may include but not be limited to replacing fences, trees, lawns, etc. Improvements to real and personal property beyond the condition existing prior to implementation of the investigation/remediation are not eligible for payment. Note: This section pertains primarily to discharges from USTs and outdoor ASTs. See the section on Fixed Property for information on the eligibility of costs associated with the removal and replacement of carpet, paneling, and other indoor items.

3) Asbestos analysis, removal and disposal

These are not eligible costs.

4) Asphalt/concrete replacement

This is an eligible cleanup cost only where existing pavement has been removed or damaged for the purpose of conducting investigation or remediation, or when an impenetrable surface is needed to minimize infiltration. Replacement in those areas of a site located above the removed tanks or piping, or expansion of asphalt/concrete areas are not eligible costs.

5) Attorneys' fees

Attorneys' fees are payable when incurred while undertaking a successful appeal to the FIRB.

6) Backfill

Clean backfill (bank run at the local rate) is eligible up to an amount equal to 115% of the amount of contaminated soils removed from the excavation. For soil measured by weight, a standard coefficient of 1.5 tons per cubic yard shall be used. Special materials such as pea stone that are used for the installation of new tanks are not payable unless at the bank run fill price up to the 115% limit when the new installation is in the existing excavation. In the event that crushed stone is needed as a base for repaving, only that portion placed beneath the area of the eligible pavement is eligible and at the crushed stone price.

7) Contaminated groundwater removal from tank excavation

When done solely for the purpose of installing new tanks, that is, the Department has not required removal, only the actual cleaning of the water (e.g., carbon filtration units or a similarly cost efficient means of treatment and disposal) will be approved for payment.

8) Contaminated groundwater removal from the tanks

This is not eligible except for that water that unexpectedly refills a tank after it is pumped out, and the tank remains in the ground and fills up with groundwater. (Note: This item can only be billed for one occurrence.)

9) Contaminated soil disposal

Costs associated with the disposal or treatment of petroleum contaminated soils (not determined to be hazardous waste) required to be removed by the Department, and in a manner pre-approved by the Department, are eligible. These include costs incurred by an applicant to construct and maintain a Department approved landspreading operation (see #22) or other treatment system.

- 10) Contaminated soils removed in conjunction with a new tank installation  
Costs associated with the removal of contaminated soils as a result of a new UST installation at a fund eligible site which cannot be returned to the excavation due to its contaminated nature are eligible for reimbursement. Eligible costs are limited to the trucking and disposal of the contaminated soils only.
- 11) Damage  
Repair or replacement of sewer lines, water lines, electrical lines, telephone lines, fiber optic lines or other utilities, buildings, roads, yards, fences, trees or other property damaged due to the negligence of a consultant or contractor, is not an eligible cost.
- 12) Decreased property value  
Loss of property value is not eligible.
- 13) Discounts  
The Fund should receive the benefit of any discounts provided by a vendor and the Fund should only be billed at the discounted rate. Any amount billed which exceeds the discounted cost is not an eligible expense.
- 14) Express mail and air delivery  
Unless specifically requested or pre-approved by Department staff, expedited or 'special' delivery of communications is not an eligible expense. Costs for shipments sent via regular mail or UPS ground are eligible expenses. The applicant or his representative may demonstrate that expedited responses and notifications are cost effective in the successful completion of a project, in which case faxes, express mail and air deliveries will be eligible.
- 15) Filters  
In situations where it is not technologically or economically feasible to replace an applicant's water supply, the cost of purchasing filters to provide the applicant with potable water is eligible for coverage by the fund. Eligible costs are limited to the actual purchase and installation of the filters and ancillary equipment only.
- 16) Fixed Property  
"Fixed property" includes carpeting, paneling, and other items that are at least semi-permanently attached to a residence or other structure by nails, tacks, adhesives, or similar means. Cleaning of oil contaminated fixed

property is an eligible cleanup cost. If cleaning is not a viable option, then removal, disposal, and replacement of the oiled property are eligible cleanup costs. The amount of fixed property to be replaced should be minimized. For example, if only one wall of paneling is oiled, we would only pay to replace the paneling on that wall. If an adequate match with existing materials cannot be obtained, the applicant has the option to have all 4 walls repaneled. However, eligible costs will be limited to 25% of the total costs (in the situation where only 1 wall out 4 is oiled).

17) Food, lodging etc.

These are eligible costs only when an overnight stay is necessary by cleanup contractors and pre-approved by department staff. The maximum allowable per person must not exceed rates established by the State Controllers Office in the State of Maine Travel and Expense Reimbursement Policy. Costs of meals must not exceed the State rate for in state travel. Copies of all receipts must be provided for: lodging costs; meals; car rentals; taxi fares and parking charges over \$5.00; out-of-state tolls; and all telephone charges. The purchase of alcoholic beverages is not an eligible cost.

18) Hazardous waste analysis and disposal

Analytical costs are eligible cleanup costs if required for disposal of petroleum contaminated soils. If soils are determined to be hazardous, the cost for removal, transportation and disposal is not eligible.

19) Hydrogeologic investigations

Costs for pre-approved hydrogeologic investigations are eligible. Approval of a Work Plan or task is not tantamount to approval of all expenses incurred during its implementation. The Department may review line items for eligibility. Authority to exceed pre-approved costs must be obtained from the Department.

20) Insurance settlements

Costs paid or to be reimbursed to the applicant by an insurance company to the extent that they are duplicative, are not eligible for payment or reimbursement from the Ground Water Oil Clean-Up Fund.

21) Interest

Interest accrued on funds borrowed in association with the payment of cleanup costs or any other eligible expenditures are not reimbursable through the fund.

22) Landspreading

Use of an applicant's land for landspreading petroleum contaminated soil from his own site may be paid at \$10.00 per yard up to the deductible amount provided the landspreading is conducted pursuant to department instructions and the site meets the established criteria for landspreading contaminated soil. Permission to spread contaminated soil must be granted in writing by the property owner.

23) Loss of income/business interruption

These are not eligible expenses.

24) Lump sum invoices

Invoices billed as a lump sum are not eligible for payment. Invoices must be itemized in accordance with Department templates.

25) Maintenance

Pre-approved maintenance of Department approved investigation/remediation equipment is an eligible cleanup cost.

26) Markups

The primary or general contractor or consultant must perform corrective action work; i.e., the primary cannot simply serve as a "broker" and subcontract out all work.

Markups for materials and payments made to subcontractors that are not affiliates or subsidiaries of the general contractor may be considered for payment. Only the DEP or the General Contractor may retain subcontractors. No layered markups will be allowed (i.e., subcontractor in succession marks up an invoice). DEP reserves the right to require direct billing in order to minimize expenses for any subcontractual service or purchased supplies or equipment.

\* No markups will be allowed for soil disposal.

\* Markups must not be applied to direct charges by the primary (general) consultant/contractor.

\* Markups must only be applied to actual subcontractor costs paid by the primary contractor.



\* Only the actual amount paid for a subcontractor invoice can be marked up, not "list" or other artificial prices.

\* Markups up to 10% will be allowed for applicable project costs up to \$250,000. Markups up to 5% will be allowed for applicable project costs from \$250,000 to \$1,000,000.

27) Mileage

Mileage charges for automobiles and light duty trucks are limited to the maximum allowed by the State of Maine Travel and Expense Reimbursement Policy as of the date the travel is performed. Mileage charges for larger vehicles are determined on an individual basis.

28) Miscellaneous or other expenses

All expenses must be identified. Those billing categories such as "miscellaneous", "office work" or "other" expenses will not be considered until adequate detail is provided.

29) Overtime

Allowance of overtime will be determined on a case-by-case basis. Overtime that is not pre-approved by Department staff will not be paid unless it can be shown that emergency conditions or extenuating circumstances justify working beyond normal hours, and doing so does not increase the total cost of cleanup. Normal working hours will be defined on a site-specific basis and will be based upon an 8 hour work day relative to the fund eligible project. (Note: Working more than 8 hours in a day is allowable as long as overtime rates are not charged without prior approval. The Department recognizes that the Industry Standard for contractors is 7:00 to 3:30.)

30) Owner or operator's time and materials

Only those costs for investigation/remediation that are pre-approved are eligible and only if the owner/operator is deemed qualified to perform such tasks.

31) Product Loss

The cost of purchasing new product to replace the product spilled/leaked/discharged, as well as the value of the product actually discharged, is not eligible for reimbursement by the fund.

32) Remediation systems

Costs for installation and operation of approved remediation systems are eligible cleanup costs. Any costs incurred outside of the normal operating costs of the system must be pre-approved by the Department in order to be considered for payment or reimbursement.

33) Rental equipment

The total billable cost for rental equipment on any project (not including markup) shall not exceed 110% of the purchase price. Up to ten percent (10%) markup will be allowed for equipment rented by the contractor or consultant (see #26 – Markup). No markup is allowed for equipment owned by the contractor or consultant which is used on a fund eligible cleanup project.

34) Reusable equipment or materials

Reusable equipment costs will be considered by comparing average usable life to time on site. Materials (e.g., hammers, knife, screwdrivers, tape measure, coolers, etc.) which can reasonably be expected to be owned by consultants/contractors as tools of their trade will not be paid for.

35) Stolen, lost, or damaged equipment or materials

Items lost or damaged on site, or stolen from the site are the responsibility of the applicant and his agents and will not be replaced by the fund. (Note: The Department recommends that contractors and consultants maintain General Liability insurance to cover acts of theft and vandalism.)

36) Structures

Removal and replacement of structures will be considered for payment if necessary to clean up the site, not if necessary solely to remove tanks and piping.

37) Tank and piping installation costs

All costs associated with upgrading, retrofitting, repairing, or installing new tanks or piping are ineligible.

38) Tank and piping removal costs

These are not eligible for payment. They include, but are not limited to, the removal of liquid or sludge from tanks (see item #8 above for exception), the removal of associated piping, excavation and removal of soils necessary for removal or installation of tanks and associated piping (unless the soils are contaminated, in which case only eligible contaminated soils will be covered),

and the removal of aboveground structures necessary for the removal of tanks and associated piping.

39) Telephone calls

Labor costs for telephone conversations must be billed to the nearest 1/4th hour. (1 hour minimums, etc. will not be paid.) Corroborating telephone receipts may be required.

40) Third party damage claims

Payment of eligible third party damage claims filed with the Department up to \$200,000 per claimant per occurrence is eligible if the claims are generated by the covered discharge.

41) Upgrading of Facilities

No expenditures for the upgrading of facilities will be paid for by the Ground Water Oil Clean-Up Fund.

42) Water supplies

Replacement or treatment of contaminated or threatened water supplies as pre-approved by the Department is eligible. As stated previously in item # 15 above, the cost of purchasing filters in situations where it is not technologically or economically feasible to replace water supplies is also eligible.

43) Work commensurate with qualifications

Work performed at labor rates that are above the level of skill required will be paid for at a rate commensurate with the work performed. E.g., Hydrogeologist rates will not be paid for work that can be performed by a technician, unless it can be demonstrated that doing so is more cost effective.

NOTE

**This document is intended to be used as a guide by applicants, contractors and Department staff on sites where an applicant has been found eligible for coverage by the fund program. These guidelines are**

**not rules of the Department and are not intended to have the force and effect of law. This document does not create or affect any legal rights or duties of applicants. Legal rights are determined under the applicable statutes and law. Questions concerning the guide should be directed to the Oil Remediation and Claims Unit staff by calling (207) 287-2651. All Department decisions denying payment/reimbursement of expenses may be appealed to the Fund Insurance Review Board.**

**Revised April 2002**

DATE 12/20/05  
CUMMING, JAMES OSC  
BLANCHARD, PETER J  
HYLAND, MARK

WASTE ISSUES  
TECHNICAL DOWIE TO  
CHARACTERIZE FOR  
DISPOSAL, YET.

**From:** Cumming, James  
**Sent:** Wednesday, December 21, 2005 9:59 AM  
**To:** Whittier, Scott; Blanchard, Peter J; Hyland, Mark  
**Subject:** RE: Winthrop Commerce Center

ESTIMATE  
\$49,000 TO TEAR  
BUILDINGS DOWN  
MASONRY HOLE  
FIXING WALLS  
BE EXORIS

Peter and I met yesterday afternoon to go over cost eligibility issues for the ongoing cleanup of this site. There is a substantial amount of oil contamination under the boiler room area, a pump house, and part of an adjacent building. Due to structural integrity concerns, excavation of soil can take place no closer than 8 feet from the building footers. This would leave a large amount of contaminated soil in place, perhaps allowing for future breakouts into surface waters. With the buildings removed, we can get at the contamination and reduce the likelihood of future surface water cleanups in high water events. It is Peter's judgment that this is the best way to go, and I respect that judgment. Dealing with any contaminated soil removed will be an eligible cleanup cost.

CONSTRAINT BARRIER IN GROUND  
NOT SEEN AS VIABLE ALTERNATIVE

The Fund Coverage Cost Guide allows us to remove structures if necessary to cleanup a site. As such, we can use the GWF to pay for the removal of the buildings in question. The old UST is still in place in the boiler room area. The removal of the UST (which is full of dry, clean sand) would not be an eligible cleanup cost, but Peter believes that removal will not be needed anyway.

The Cost Guide would also allow us to replace the structures, but that wouldn't be relevant in this case since "replacement" of these antiquated, out of use, unheated buildings that lack electrical service is really not possible. The applicants apparently seek compensation for the lost value of the buildings. Based on the description of the structures to be removed, it sounds like the property could be more valuable with the buildings gone. It's a moot point anyway. The Cost Guide specifically states that loss of property value is not an eligible cleanup cost. (GROUP CONCERN)

In addition to removing the buildings, Peter envisions removing the fieldstone/mortar retaining wall at Mill Stream to get at soil contamination. This would be an eligible cleanup cost. The question has come up as to whether replacement with a concrete retaining wall would be an eligible cleanup cost. The existing wall is performing its primary purpose of erosion control at the edge of a high energy stream. As such, I would consider it to still be a viable structure. If we remove it for the cleanup, we can replace it with the GWF. To not do so, could lead to erosion problems/degraded water quality.

?) FACILITY TO USE AS PARKING...  
REMOVAL OF BUILDINGS WILL NECESSITATE MOVING TRANSFORMERS THAT ARE CURRENTLY PART OF THE ELECTRIC SERVICE FOR THE ACTIVE PART OF THE PROPERTY.

Removal of the buildings will necessitate moving transformers that are currently part of the electric service for the active part of the property. The WCC will pay for moving the transformers. We have been asked to consider paying for certain related costs with the GWF. The first expense would be for cutting a masonry hole for rerouting electrical conduit. The 2<sup>nd</sup> expense would be relative to the new location for the transformers. They will be moved to an adjacent building that will have its exterior wall removed as part of the remediation. The transformers will be placed inside an interior wall/partition in the building. Flashing will need to be added and some other work done to convert the interior wall/partition into a weather-proof exterior wall to house the transformers. My opinion is that the cost sharing proposed for this work is reasonable. If WCC pays to move the transformers, the GWF can be used to house them in such a way that is equivalent to how they are housed now before the building removal for oil remediation.

Peter, feel free to add or clarify anything above. Scott and Mark, we look forward to your feedback. Thanks.

**From:** Whittier, Scott  
**Sent:** Monday, December 19, 2005 12:41 PM  
**To:** Blanchard, Peter J; Hyland, Mark  
**Cc:** Cumming, James  
**Subject:** RE: Winthrop Commerce Center

WILLIAM CAP IN ORDER?  
NO? LANGUAGE  
APPLICANT NEED TO KNOW ABOUT CAP.  
134 REF?  
NO

I'm not sure the value of the buildings is compensable. Since it is not a clean up cost, I tend to think it should not be eligible. Lets discuss that aspect of the project. Even if we determine the value of the buildings is compensable, all costs over 1,000,000. are the responsibility of the partners.

**From:** Blanchard, Peter J  
**Sent:** Monday, December 19, 2005 10:27 AM  
**To:** Whittier, Scott; Hyland, Mark  
**Subject:** Winthrop Commerce Center  
**Importance:** High

LET TO APPLICANTS  
→ HIGH CAP  
→ PROP. COMPENSABLE  
1  
→ RETURN + SHARE COST  
OUR COMMENTS

→ GROUP CONCERN  
→ ASSESSMENT OF  
ELIGIBILITY

Mark/Scott:

The remedial work at Winthrop Commerce Center (fka Carlton Woolen Mill) has continued this fall. We have completed a series of soil borings in and around the boiler building and former AST storage tanks. Results indicate an approx twenty inch thick layer of heavily contaminated soil at the interface of bedrock approx. 17' below ground surface. The contamination is located inside the building and on the downstream side of the building. The structural engineering firm, Coffin Engineering has been working with us to assess the impacts of soil removal in and around the building. We removed the boiler and associated piping, jack hammered out two slabs beneath, and have encountered several large concrete structures beneath the floor. There is one slab that measured approx. 20' x 20' x 3' thick. This was supported by 9 columns of reinforced concrete each 3' x 3'. After two weeks of intensive jack hammering, it appears that the building will have to be torn down if we want to proceed to remove the contaminated soil. This is due to safety concerns and undercutting the footings of the buildings involved. Demolition would involve tearing down the boiler house, a small pump house, and part of an adjacent building where the main bank of transformers is located. The main transformers are slated to be moved anyway, so that would not be charged to DEP. I am in the process of obtaining estimates for this work.

If we did not tear the building down and remove the soil, I expect we would have to perform some kind of feasibility study to assess a barrier wall or something to prevent the leaching of heavy heating oil to Mill Stream and Annabessacook lake. The effectiveness and long term viability of any alternatives would also have to be assessed. There is significant public interest in this project as you know.

I floated a proposal to the Commerce Center partners on Friday requesting comments from them on the potential impacts to the redevelopment project if we were to proceed with tearing the buildings down. They have inquired whether the partners would be compensated by DEP for the value of the buildings. I think this would be compensable under the Fund, but the scale of the project is larger than any I have been involved with. I do not know what the value of the buildings would be, probably negotiable. They are not in the best of shape to start with. Since the removal of the buildings is necessary to remove the contamination, my read would be that this would be funded under the approved order, but also wanted to confirm with you as this is likely to raise the cost significantly.

Questions, comments?

Peter J. Blanchard  
Division of Response Services  
phone: (207) 287-3692  
e-mail: peter.j.blanchard@maine.gov

2 PM, 12/20/05

Cumming, James

From: Blanchard, Peter J  
Sent: Monday, December 19, 2005 3:49 PM  
To: Whittier, Scott; Hyland, Mark  
Cc: Cumming, James  
Subject: RE: Winthrop Commerce Center

BURN, STONE  
AST  
(B-100-2001)

Could we meet 10:45 tomorrow? I can sign out a conference room.  
Alternative date Wednesday or Friday,

Thanks, Peter

167,500

From: Whittier, Scott  
Sent: Monday, December 19, 2005 12:41 PM  
To: Blanchard, Peter J; Hyland, Mark  
Cc: Cumming, James  
Subject: RE: Winthrop Commerce Center

I'm not sure the value of the buildings is compensable. Since it is not a clean up cost, I tend to think it should not be eligible. Lets discuss that aspect of the project. Even if we determine the value of the buildings is compensable, all costs over 1,000,000. are the responsibility of the partners.

From: Blanchard, Peter J  
Sent: Monday, December 19, 2005 10:27 AM  
To: Whittier, Scott; Hyland, Mark  
Subject: Winthrop Commerce Center  
Importance: High

Mark/Scott:

The remedial work at Winthrop Commerce Center (fka Carlton Woolen Mill) has continued this fall. We have completed a series of soil borings in and around the boiler building and former AST storage tanks. Results indicate an approx twenty inch thick layer of heavily contaminated soil at the interface of bedrock approx. 17' below ground surface. The contamination is located inside the building and on the downstream side of the building. The structural engineering firm, Coffin Engineering has been working with us to assess the impacts of soil removal in and around the building. We removed the boiler and associated piping, jack hammered out two slabs beneath, and have encountered several large concrete structures beneath the floor. There is one slab that measured approx. 20' x 20' x 3' thick. This was supported by 9 columns of reinforced concrete each 3' x 3'. After two weeks of intensive jack hammering, it appears that the building will have to be torn down if we want to proceed to remove the contaminated soil. This is due to safety concerns and undercutting the footings of the buildings involved. Demolition would involve tearing down the boiler house, a small pump house, and part of an adjacent building where the main bank of transformers is located. The main transformers are slated to be moved anyway, so that would not be charged to DEP. I am in the process of obtaining estimates for this work.

INACTIVE  
OUT  
OFF  
VIR  
UNIDENTIFIED  
NO FILED

can only get within 8 ft. of boiler & foundation

If we did not tear the building down and remove the soil, I expect we would have to perform some kind of feasibility study to assess a barrier wall or something to prevent the leaching of heavy heating oil to Mill Stream and Annabessacook lake. The effectiveness and long term viability of any alternatives would also have to be assessed. There is significant public interest in this project as you know.

OTHER OPTIONS? BARRIER WALLS? REMOVE CONTAMINATION FROM INTERFACES OF BEDROCK, etc

I floated a proposal to the Commerce Center partners on Friday requesting comments from them

feasibility study

NO DETAILS AT THIS POINT.

USEN FILED ONLY TEMP. IN NATURE?

on the potential impacts to the redevelopment project if we were to proceed with tearing the buildings down. They have inquired whether the partners would be compensated by DEP for the value of the buildings. I think this would be compensable under the Fund, but the scale of the project is larger than any I have been involved with. I do not know what the value of the buildings would be, probably negotiable. They are not in the best of shape to start with. Since the removal of the buildings is necessary to remove the contamination, my read would be that this would be funded under the approved order, but also wanted to confirm with you as this is likely to raise the cost significantly.

Questions, comments?

Peter J. Blanchard  
 Division of Response Services  
 phone: (207) 287-3692  
 e-mail: peter.j.blanchard@maine.gov

previous tank - please now, too ??  
 please about oil in  
 under tank too.  
 (Lubricant)

work in  
 all brown  
 tank (HA)  
 you clean  
 tank  
 I'll  
 (oil)

Tank/Knowledge  
 IN-HOUSE (part) ON OTHER WARRANTS

from L. - ON THE BEANS COUNTRY

(NO PROBLEMS) ) LHS



YES

⑦ SOL ✓

⑧

REMOVAL OF  
BLDG  
THRU REVER ✓

⑨

RESTORE  
WALL ✓

NO

⊗ DEVAL BLDG  
REMOV ✓

⊗ TAKE REVAL ✓

have measurements

↳ will pay for  
higher measurements ✓

→ ~~will pay~~ <sup>cut masonry</sup> ~~have~~ <sup>to</sup> ~~remove~~ <sup>remove</sup>  
FIELD CONCRETE / REINFORCING  
FIBRE  
→ TO MAKE REPAIRS CALL  
TIGHT  
CONTACT INDOOR  
PARTITION WITH  
FIT. WALL ✓

→ NO UPGRADES!! → (CAN'T REPLACE)  
"BUILT NEW"



APPROXIMATELY 50% WASTED. WANT  
SOME ONE "UNWILLING" VALUE FOR  
BLSG.

HOW DOES IT ANY VALUE TO ANYBODY??

---

NUMBER OF ALTERNATIVES THAN AN  
OTHER.

---

ALTERNATIVE CAN INCREASE  
VALUE!!

---

RESTRAINTS WOULD @ STRENGTH,  
FUNDING ISSUE IF NOT  
REPLACED

---

EUBIOLITE!! REPAIR MEASUREMENTS  
~~REPLACEMENT~~

WIKI  
REMOVING  
FOR → I WANT ALL  
S1/BLDG BEHIND WALL ← W/ CONCRETE??

---

072 111 111 111

- C. Effectively mitigate or minimize damages; and
- D. Provide adequate protection of the public health and welfare and the environment.

Since the contamination currently impacting Mr. Cilley's water supply is a result of coliform bacteria and tannin and not petroleum, it is the Department's position that treatment of this water supply does not meet the definition of an eligible clean-up cost under the Groundwater Oil Clean-up Fund.

Secondly, Title 38 M.R.S.A. § 568-A.4 states in part that any payments to or on behalf of applicants for clean-up activities undertaken by the applicant must be pursuant to a written agreement between the applicant and the commissioner. Among the terms of the agreement Mr. Cilley signed in regards to expenditures from the Ground Water Oil Clean-up Fund, Mr. Cilley was required to maintain accurate and detailed accounting records, to perform only those investigative and remedial tasks determined to be necessary by the Department and to submit to the Commissioner all sampling results obtained from monitoring wells and drinking water wells. The Department was provided with no reports or sample results to substantiate the appellant's claim that his well became contaminated by the oil contamination discovered during the tank removal in 1993 and that he was forced to discontinue his well and draw his water from the surface water body of Grand Falls Flowage. No mention of a petroleum contaminated water supply was found in any of the documentation the appellant provided the Department up until Mr. Cilley filed his request in May of 2005. In fact, the Fund 1993 coverage application, the tank removal site assessment and the UST facility registration submitted by the appellant all report that only two wells were in the vicinity of his facility and that those wells were not owned by Mr. Cilley or impacted by petroleum. If indeed the appellant abandoned a drinking well on his property and connected to a surface water system without reporting this contamination to or consulting with the Department, then Mr. Cilley would have breached the terms of his agreement for Fund coverage.

Finally, Title 38 M.R.S.A. § 568-A.1.B-1 states that an applicant is not eligible for coverage for any discharge discovered on or before April 1, 1990. The only evidence the appellant has provided the Department in support of his claim of a contaminated well, are two recently submitted written statements, one by Lonny Cilley and one by Moses Cilley. These statements seem to contradict the appellant's original position that his well became contaminated by the oil contamination discovered during the tank removal in 1993 and that he was forced to discontinue his well and draw his water from the surface water body of Grand Falls Flowage at that time. These statements seem to indicate that if there was a contaminated well at this property, both Lonny Cilley and Moses Cilley were aware of this contamination as early as 1989, long before the tank removal in 1993. Moses Cilley stated that when he purchased the property from Lonny Cilley in 1989, there was a hand dug well on the property but that "the water from this well was very contaminated and could only be used for toilet water. Even then it left stains on the flush and sinks. By looking down the well you could actually see oil floating on top of the water." Lonny Cilley stated ~~in his statement~~ that around 1983 he purchased the house and the land to the right of the Gas Station and that there was a hand dug well just outside the entrance of the

Lonny Cilley was aware of  
the contamination even  
before 1989.

# Fund Coverage Cost Guide

Maine Department of Environmental Protection

The Fund Coverage Cost Guide that follows is intended to give guidance regarding what will be considered for payment or reimbursement from the Ground Water Oil Clean-Up Fund on a site where an applicant has been found eligible for coverage by the Fund program, under 38 M.R.S.A. Section 568-A.

Only eligible cleanup costs will be paid. Maine statute provides that eligible cleanup costs are those direct expenses including expenses for site investigation that are necessary to clean up the discharge of oil to the satisfaction of the Commissioner, are cost effective, reliable and technologically feasible and effectively mitigate or minimize damages and provide adequate protection of public health, welfare and the environment. All remedial actions and their associated costs should be submitted in writing and pre-approved by Department personnel before the work takes place.

1) Administrative Costs

Administrative costs incurred in completing an application for fund coverage or reimbursement request and responding to Department requests and comments are not eligible cleanup costs.

2) Aesthetics

Restoration of those portions of the property affected by the investigation/remediation (excluding the areas of the tanks and piping) to their pre-discharge appearance is eligible for payment. Such restoration may include but not be limited to replacing fences, trees, lawns, etc. Improvements to real and personal property beyond the condition existing prior to implementation of the investigation/remediation are not eligible for payment. Note: This section pertains primarily to discharges from USTs and outdoor ASTs. See the section on Fixed Property for information on the eligibility of costs associated with the removal and replacement of carpet, paneling, and other indoor items.

3) Asbestos analysis, removal and disposal

These are not eligible costs.

4) Asphalt/concrete replacement

This is an eligible cleanup cost only where existing pavement has been removed or damaged for the purpose of conducting investigation or remediation, or when an impenetrable surface is needed to minimize infiltration. Replacement in those areas of a site located above the removed tanks or piping, or expansion of asphalt/concrete areas are not eligible costs.

5) Attorneys' fees

Attorneys' fees are payable when incurred while undertaking a successful appeal to the FIRB.

6) Backfill

Clean backfill (bank run at the local rate) is eligible up to an amount equal to 115% of the amount of contaminated soils removed from the excavation. For soil measured by weight, a standard coefficient of 1.5 tons per cubic yard shall be used. Special materials such as pea stone that are used for the installation of new tanks are not payable unless at the bank run fill price up to the 115% limit when the new installation is in the existing excavation. In the event that crushed stone is needed as a base for repaving, only that portion placed beneath the area of the eligible pavement is eligible and at the crushed stone price.

7) Contaminated groundwater removal from tank excavation

When done solely for the purpose of installing new tanks, that is, the Department has not required removal, only the actual cleaning of the water (e.g., carbon filtration units or a similarly cost efficient means of treatment and disposal) will be approved for payment.

8) Contaminated groundwater removal from the tanks

This is not eligible except for that water that unexpectedly refills a tank after it is pumped out, and the tank remains in the ground and fills up with groundwater. (Note: This item can only be billed for one occurrence.)

9) Contaminated soil disposal

Costs associated with the disposal or treatment of petroleum contaminated soils (not determined to be hazardous waste) required to be removed by the Department, and in a manner pre-approved by the Department, are eligible. These include costs incurred by an applicant to construct and maintain a Department approved landspreading operation (see #22) or other treatment system.

10) Contaminated soils removed in conjunction with a new tank installation

Costs associated with the removal of contaminated soils as a result of a new UST installation at a fund eligible site which cannot be returned to the excavation due to its contaminated nature are eligible for reimbursement. Eligible costs are limited to the trucking and disposal of the contaminated soils only.

11) Damage

Repair or replacement of sewer lines, water lines, electrical lines, telephone lines, fiber optic lines or other utilities, buildings, roads, yards, fences, trees or other property damaged due to the negligence of a consultant or contractor, is not an eligible cost.

12) Decreased property value

Loss of property value is not eligible.

13) Discounts

The Fund should receive the benefit of any discounts provided by a vendor and the Fund should only be billed at the discounted rate. Any amount billed which exceeds the discounted cost is not an eligible expense.

14) Express mail and air delivery

Unless specifically requested or pre-approved by Department staff, expedited or 'special' delivery of communications is not an eligible expense. Costs for shipments sent via regular mail or UPS ground are eligible expenses. The applicant or his representative may demonstrate that expedited responses and notifications are cost effective in the successful completion of a project, in which case faxes, express mail and air deliveries will be eligible.

15) Filters

In situations where it is not technologically or economically feasible to replace an applicant's water supply, the cost of purchasing filters to provide the applicant with potable water is eligible for coverage by the fund. Eligible costs are limited to the actual purchase and installation of the filters and ancillary equipment only.

16) Fixed Property

"Fixed property" includes carpeting, paneling, and other items that are at least semi-permanently attached to a residence or other structure by nails, tacks, adhesives, or similar means. Cleaning of oil contaminated fixed

property is an eligible cleanup cost. If cleaning is not a viable option, then removal, disposal, and replacement of the oiled property are eligible cleanup costs. The amount of fixed property to be replaced should be minimized. For example, if only one wall of paneling is oiled, we would only pay to replace the paneling on that wall. If an adequate match with existing materials cannot be obtained, the applicant has the option to have all 4 walls rep paneled. However, eligible costs will be limited to 25% of the total costs (in the situation where only 1 wall out 4 is oiled).

17) Food, lodging etc.

These are eligible costs only when an overnight stay is necessary by cleanup contractors and pre-approved by department staff. The maximum allowable per person must not exceed rates established by the State Controllers Office in the State of Maine Travel and Expense Reimbursement Policy. Costs of meals must not exceed the State rate for in state travel. Copies of all receipts must be provided for: lodging costs; meals; car rentals; taxi fares and parking charges over \$5.00; out-of-state tolls; and all telephone charges. The purchase of alcoholic beverages is not an eligible cost.

18) Hazardous waste analysis and disposal

Analytical costs are eligible cleanup costs if required for disposal of petroleum contaminated soils. If soils are determined to be hazardous, the cost for removal, transportation and disposal is not eligible.

19) Hydrogeologic investigations

Costs for pre-approved hydrogeologic investigations are eligible. Approval of a Work Plan or task is not tantamount to approval of all expenses incurred during its implementation. The Department may review line items for eligibility. Authority to exceed pre-approved costs must be obtained from the Department.

20) Insurance settlements

Costs paid or to be reimbursed to the applicant by an insurance company to the extent that they are duplicative, are not eligible for payment or reimbursement from the Ground Water Oil Clean-Up Fund.

21) Interest

Interest accrued on funds borrowed in association with the payment of cleanup costs or any other eligible expenditures are not reimbursable through the fund.

22) Landspreading

Use of an applicant's land for landspreading petroleum contaminated soil from his own site may be paid at \$10.00 per yard up to the deductible amount provided the landspreading is conducted pursuant to department instructions and the site meets the established criteria for landspreading contaminated soil. Permission to spread contaminated soil must be granted in writing by the property owner.

23) Loss of income/business interruption

These are not eligible expenses.

24) Lump sum invoices

Invoices billed as a lump sum are not eligible for payment. Invoices must be itemized in accordance with Department templates.

25) Maintenance

Pre-approved maintenance of Department approved investigation/remediation equipment is an eligible cleanup cost.

26) Markups

The primary or general contractor or consultant must perform corrective action work; i.e., the primary cannot simply serve as a "broker" and subcontract out all work.

Markups for materials and payments made to subcontractors that are not affiliates or subsidiaries of the general contractor may be considered for payment. Only the DEP or the General Contractor may retain subcontractors. No layered markups will be allowed (i.e., subcontractor in succession marks up an invoice). DEP reserves the right to require direct billing in order to minimize expenses for any subcontractual service or purchased supplies or equipment.

\* No markups will be allowed for soil disposal.

\* Markups must not be applied to direct charges by the primary (general) consultant/contractor.

\* Markups must only be applied to actual subcontractor costs paid by the primary contractor.



\* Only the actual amount paid for a subcontractor invoice can be marked up, not "list" or other artificial prices.

\* Markups up to 10% will be allowed for applicable project costs up to \$250,000. Markups up to 5% will be allowed for applicable project costs from \$250,000 to \$1,000,000.

27) Mileage

Mileage charges for automobiles and light duty trucks are limited to the maximum allowed by the State of Maine Travel and Expense Reimbursement Policy as of the date the travel is performed. Mileage charges for larger vehicles are determined on an individual basis.

28) Miscellaneous or other expenses

All expenses must be identified. Those billing categories such as "miscellaneous", "office work" or "other" expenses will not be considered until adequate detail is provided.

29) Overtime

Allowance of overtime will be determined on a case-by-case basis. Overtime that is not pre-approved by Department staff will not be paid unless it can be shown that emergency conditions or extenuating circumstances justify working beyond normal hours, and doing so does not increase the total cost of cleanup. Normal working hours will be defined on a site-specific basis and will be based upon an 8 hour work day relative to the fund eligible project. (Note: Working more than 8 hours in a day is allowable as long as overtime rates are not charged without prior approval. The Department recognizes that the Industry Standard for contractors is 7:00 to 3:30.)

30) Owner or operator's time and materials

Only those costs for investigation/remediation that are pre-approved are eligible and only if the owner/operator is deemed qualified to perform such tasks.

31) Product Loss

The cost of purchasing new product to replace the product spilled/leaked/discharged, as well as the value of the product actually discharged, is not eligible for reimbursement by the fund.

32) Remediation systems

Costs for installation and operation of approved remediation systems are eligible cleanup costs. Any costs incurred outside of the normal operating costs of the system must be pre-approved by the Department in order to be considered for payment or reimbursement.

33) Rental equipment

The total billable cost for rental equipment on any project (not including markup) shall not exceed 110% of the purchase price. Up to ten percent (10%) markup will be allowed for equipment rented by the contractor or consultant (see #26 – Markup). No markup is allowed for equipment owned by the contractor or consultant which is used on a fund eligible cleanup project.

34) Reusable equipment or materials

Reusable equipment costs will be considered by comparing average usable life to time on site. Materials (e.g., hammers, knife, screwdrivers, tape measure, coolers, etc.) which can reasonably be expected to be owned by consultants/contractors as tools of their trade will not be paid for.

35) Stolen, lost, or damaged equipment or materials

Items lost or damaged on site, or stolen from the site are the responsibility of the applicant and his agents and will not be replaced by the fund. (Note: The Department recommends that contractors and consultants maintain General Liability insurance to cover acts of theft and vandalism.)

36) Structures

Removal and replacement of structures will be considered for payment if necessary to clean up the site, not if necessary solely to remove tanks and piping.

37) Tank and piping installation costs

All costs associated with upgrading, retrofitting, repairing, or installing new tanks or piping are ineligible.

38) Tank and piping removal costs

These are not eligible for payment. They include, but are not limited to, the removal of liquid or sludge from tanks (see item #8 above for exception), the removal of associated piping, excavation and removal of soils necessary for removal or installation of tanks and associated piping (unless the soils are contaminated, in which case only eligible contaminated soils will be covered),

and the removal of aboveground structures necessary for the removal of tanks and associated piping.

39) Telephone calls

Labor costs for telephone conversations must be billed to the nearest 1/4th hour. (1 hour minimums, etc. will not be paid.) Corroborating telephone receipts may be required.

40) Third party damage claims

Payment of eligible third party damage claims filed with the Department up to \$200,000 per claimant per occurrence is eligible if the claims are generated by the covered discharge.

41) Upgrading of Facilities

No expenditures for the upgrading of facilities will be paid for by the Ground Water Oil Clean-Up Fund.

42) Water supplies

Replacement or treatment of contaminated or threatened water supplies as pre-approved by the Department is eligible. As stated previously in item # 15 above, the cost of purchasing filters in situations where it is not technologically or economically feasible to replace water supplies is also eligible.

43) Work commensurate with qualifications

Work performed at labor rates that are above the level of skill required will be paid for at a rate commensurate with the work performed. E.g., Hydrogeologist rates will not be paid for work that can be performed by a technician, unless it can be demonstrated that doing so is more cost effective.

NOTE

**This document is intended to be used as a guide by applicants, contractors and Department staff on sites where an applicant has been found eligible for coverage by the fund program. These guidelines are**

**not rules of the Department and are not intended to have the force and effect of law. This document does not create or affect any legal rights or duties of applicants. Legal rights are determined under the applicable statutes and law. Questions concerning the guide should be directed to the Oil Remediation and Claims Unit staff by calling (207) 287-2651. All Department decisions denying payment/reimbursement of expenses may be appealed to the Fund Insurance Review Board.**

**Revised April 2002**

**Cumming, James**

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**From:** Lavallee, Fred C  
**Sent:** Tuesday, December 27, 2005 1:54 PM  
**To:** Whittier, Scott; Cumming, James; Blanchard, Peter J; Hyland, Mark  
**Cc:** Seel, George J  
**Subject:** Winthrop Commerce Center - Eligibility of Expenses

To All:

I've read Jim's 12/21 e-mail to Peter, Scott, and Mark. Regarding the owners' request to be compensated for the loss of the building, I should point out that there is precedent for this. In Costigan we paid a property owner \$170K to demolish his building/business when it proved the most cost-effective approach to the remediation. We did it another time on a smaller scale in - I think - Atkinson, with a dilapidated outbuilding located over soil that needed removing.

In both cases the property owner was having none of our proposal without compensation. In both cases, we evaluated the alternatives, based our offer on appraised values, and obtained the BD's approval in advance. The instruments for compensating the property owners were not fund claims but a Special Services contracts. In both cases the contract provided for deed covenants.

I wouldn't suggest either of these cases is a model of how negotiations should go with a recalcitrant RP. However, it kept us in these sites, without a break in momentum, and got us to a cleanup before adjoining properties were affected.

As a PS, in the Costigan case the discharge was affecting the Penobscot River and the Penobscot Nation was watching intently.

*Fred Lavallee, P.E.  
Division of Technical Services  
Bureau of Remediation & Waste Management  
tel: (207) 287-7677  
e-mail fred.c.lavallee@maine.gov*

October 31, 2001

**Invoice**

MDEP # B-488-01  
Costigan (Milford), ME

**Purchase the right to remove a building from Downeast Osborne, Inc.**  
To remove Burr's General Store in order to remediate site, as specified in the attached agreement.

Amount due: **\$ 167,500.00**  
One hundred-sixty-seven thousand five hundred and 00/100 dollars

Payable to **Eaton Peabody Bradford & Veague, PA**

Deliver check to **Robert Sypitkowski**  
ME DEP  
106 Hogan Road  
Bangor, ME 04401

**FAST PLEASE**

*Return Check to*

*Aimee Carlton  
DEP*

*E010373027*      *811105839*

<b>B-488-01</b>	<b>Burr's Store, Costigan (Milford)</b>				
REM	fnd	agcy	org	suborg	appr
	<i>014</i>	<i>06A</i>	<i>1519</i>		<i>442</i>
	actv	objt	subobjt	revsre	
	<i>R.SYP</i>	<i>4925</i>	<i>-97</i>		
R Sypitkowski		job	reptcat		
		<i>B4880100</i>			
Date <i>31 Oct</i>	2001	<i>[Signature]</i>			
Countersign	<i>[Signature]</i>				
Date _____	2001	Authorized Signature	amount	<b>\$167,500.00</b>	



*CK# 1131101311  
11-8-01*

# Memorandum

**To:** Aimee Carlton BRWM Program Services  
**From:** Fred Aavallee, P.E. BRWM Technical Services  
**Date:** 10/31/01  
**Re:** Payment For Right To Remove A Building in Costigan, ME

---

Attached is an invoice for the referenced permission. We are not acquiring the property, but only the right to remove a building to complete the remediation of the Burr's General Store property. The AG's office has advised us that BEP approval is not required.

After discussing the matter of the deductible with the Claims Unit, it was decided to withhold the amount of the deductible from this payment. The invoiced amount has thus been reduced to \$167,500, which is the \$170,000 amount of the Agreement, less the \$2500 deductible owed by the Owner. This reduction is also reflected in the attached Agreement. Please journal the \$2500 to the account that receives deductible payments and notify the Claims Unit that the deductible for this project has been satisfied.

We have also decided that this payment should be issued to the law firm handling the closing, rather than to the property owner. Consequently, the invoice has been made out to Eaton, Peabody, Bradford & Veague, PA. I understand from our earlier conversation that the invoice will need to be coded so that this payment is recorded as income and a 1099 form is generated for tax purposes. Will you please take care of the coding?

Finally, the check should be delivered to Robert Sypitkowski in DEP's Eastern Maine Regional Office, who will represent the Department at the closing. Robert's address is on the invoice. The closing is set for November 15, about two weeks away. I trust this is time enough to get the check processed and into Robert's hands.

If you have any questions, please give me a call.

Thanks for your help.

Sarah Zmistowski  
Eaton Peabody Bradford & Veague, PA  
Fleet Center-Exchange street  
P. O. Box 1210  
Bangor, Maine 04402-1210

Phone: 947-0111

Fax: 942-3040

From: Robert Sypitkowski  
ME Dept of Environmental Protection

Phone: 941-4564

Fax: 941-4584

Date: Oct 31, 2001

Re: Downeast Osborne, Inc.

Pages including this cover

page: 2

\*\*\* \*\*

Ms Zmistowski:

Attached please find another modified version of the agreement between Downeast Osborne and MDEP.

As opposed to our conversation this morning, the department would prefer to deduct the deductible from the settlement amount rather than handle it at closing.

Thank you



## AGREEMENT

THIS AGREEMENT, made this 15<sup>th</sup> day of November, 2001, is by and between the State of Maine, Department of Environmental Protection (herein "Department") and Downeast Osborne, Inc. (herein "DEO") of Old Town, Maine.

WHEREAS, the DEO owns and operates a store, Burr's General Store, on a parcel of land in Costigan (Milford), Penobscot County, identified in municipal tax records as Lot 5, Map 37 (herein "Parcel");

WHEREAS, gasoline from leaking underground piping from aboveground storage tanks at the store has contaminated soil and ground water;

WHEREAS, under Maine law, DEO, as owner of the facility, is responsible for remediating the discharge to the satisfaction of the Commissioner of Environmental Protection;

WHEREAS, the Commissioner may require temporary and permanent remedial actions that the commissioner finds are cost effective, feasible and reliable, and that effectively mitigate damage to and provide adequate protection of public health and the environment;

WHEREAS, the Commissioner has determined the most cost effective remedial strategy in this case is to demolish the store and excavate the underlying contaminated soil; and

WHEREAS, the remedial costs are eligible for coverage by the Ground Water Oil Clean-up Fund under 38 MRSA §§568-A and 569-A;

NOW THEREFORE, the parties agree as follows:

- 1) As soon as practical upon execution of this document, the Department will pay DEO the amount of \$167,500 (\$170,000 less \$2,500 for DEO Groundwater Insurance Fund deductible) for the right to demolish any and all buildings on the Parcel.
- 2) DEO will remove all salvageable equipment and inventory from the store and vacate the premises by November 19, 2001.
- 3) On and after November 19, 2001, the Department may enter the Parcel for the purpose of demolishing the store and removing contaminated soil.
- 4) On or before March 31, 2002, the department will complete building demolition and soil removal activities, remove all demolition debris from the Parcel, and backfill excavations to original grade with clean soil material.
- 5) Department employees and its agents may continue to enter upon the Parcel after March 31, 2002 as often and for as long as determined necessary by the department to conduct monitoring activities related to the gasoline discharge.
- 6) The Department will indemnify, defend and save harmless DEO and its heirs, successors and assigns from any and all claims and losses occurring or resulting to any person who may be injured or damaged by Department employees or agents in the course of remediation work on the Parcel.

IN WITNESS WHEREOF, the Department and DEO execute this agreement by signing below.

By: \_\_\_\_\_  
William Osborne, President

By: David J. Bennett  
Martha Kirkpatrick, Commissioner

Date: \_\_\_\_\_

Date: 11/5/01

\*\*\* INVOICE \*\*\*

From: Mainland Consultants  
207-774-6226  
30 Exchange Street  
Portland ME 04101

Tax ID No.: 01-0418500  
Invoice No.: 15287000  
Date Invoice: 01/08/2002  
Payment Terms: 30  
Date Invoiced Due: 02/07/2002  
Client Case #:  
Client Loan #:

To: Dept. of Environmental Protection  
17 State House Station

**FAST  
PLEASE**

Augusta ME 043330017

Attention: Robert Symantowski

1/16/02

Burr's Store

Costigan

B-635-01

820227084

OTR  
APPROVED FOR PAYMENT

Products:  
Commercial

Billed Amount:  
\$3,300.00

vc E010418500 docid # PV06A  
fnd 014 agcy 06A org 519 suborg 442  
actv HOB objt HOB subobjt revarc  
subrev 00 rptCat 00  
amount \$ 3,300.00

Limited Summary *Appraisal of Property.* \$0.00  
Appraised By: John H. Schwartz \$0.00  
\$0.00  
\$0.00

PS

AUTHORIZED SIGNATURE \_\_\_\_\_

Total Amount Billed: \$3,300.00

Borrower: Downeast Osborne, Inc.  
Route 2  
Burr's General Store  
MILFORD ME 04461

**SPILL  
RELATED**

Check # Reason: Amount Paid:

Invoice Balance Due: \$3,300.00

Remittance Copy

Invoice No.: 15287000  
File No.: 15287000

**ENTERED**

From: Dept. of Environmental Protection  
17 State House Station  
Augusta ME 043330017

To: Mainland Consultants  
207-774-6226  
30 Exchange Street  
Portland ME 04101

Borrower: Downeast Osborne, Inc.  
Route 2  
Burr's General Store  
MILFORD ME 04461

2004 FEB 27 A 2:00

Total Amount Due: \$3,300.00

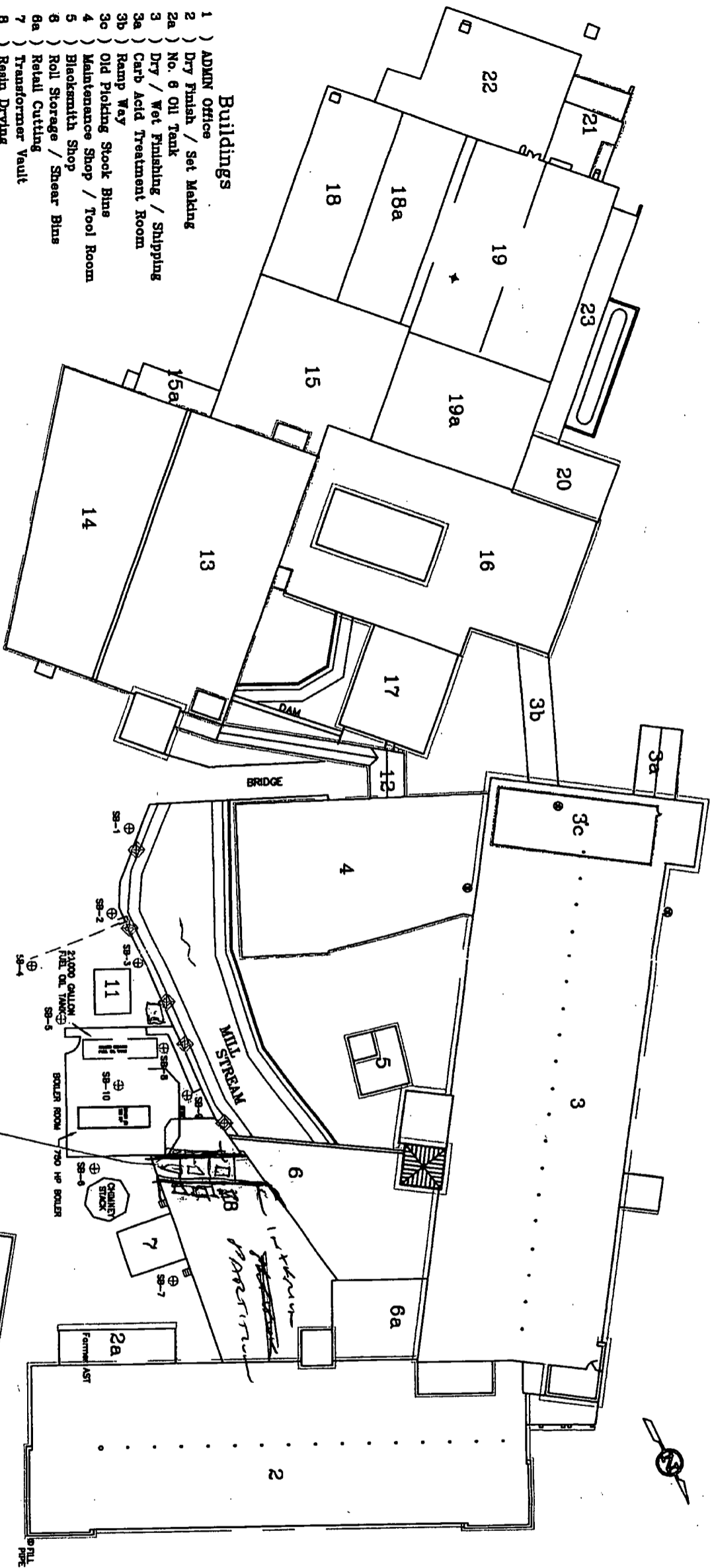
RECEIVED  
A.C.F. SERVICE CENTER  
Amount Remitted (if different) \$

11-A-19-06-30A-199

2/5

- Buildings**
- 1 ) ADMIN Office
  - 2 ) Dry Finish / Set Making
  - 2a ) No. 6 Oil Tank
  - 3 ) Dry / Wet Finishing / Shipping
  - 3a ) Carb Acid Treatment Room
  - 3b ) Ramp Way
  - 3c ) Old Picking Stook Bins
  - 4 ) Maintenance Shop / Tool Room
  - 5 ) Blacksmith Shop
  - 6 ) Roll Storage / Shear Bins
  - 6a ) Retail Cutting
  - 7 ) Transformer Vault
  - 8 ) Resin Drying
  - 9 ) Boiler House
  - 11 ) Fire Pump House
  - 12 ) Overhead Walkway
  - 13 ) Pulling / Receiving
  - 14 ) Stook / Yarn Dye
  - 15 ) Wet Finish / Chem Storage
  - 15a ) Air Compressor / Utility Room
  - 16 ) Taping / Drying
  - 17 ) Taping / Scotch / Wet Brush
  - 18 ) Wet Finish - Scotch
  - 18a ) Dye House - Batching
  - 19 ) Piece DyeHouse
  - 19a ) Drug Room Mezzanine
  - 20 ) Locker Room
  - 21 ) Screenhouse / Dyehouse Office
  - 22 ) Drugroom
  - 23 ) Beam Dye Pumphouse

*TRANSFORMER  
IN SERVICE  
NOT ON CURS*



**LEGEND:**

- BUILDING OUTLINE
- ROOF OVERHANG
- COPPER FLASHING
- FUEL OIL TANK
- ⊕ PROPOSED BORING
- ▨ VISIBLY IMPACTED SOIL
- STORM DRAIN
- UNDERGROUND CULVERT
- ⊙ EXHAUST STACK
- ⊗ FILL PIPE
- ⊗ UST
- UNDERGROUND STORAGE TANK

LOCATION OF FUEL OIL TANK IS APPROXIMATE  
 MAP SOURCE:  
 Carleton Woolen Mills, Inc.  
 Dyeing and Finishing Mill  
 Record Drawing Schedule May 3, 1998



**CLIENT:**  
**CARLETON WOOLEN MILLS INC.**

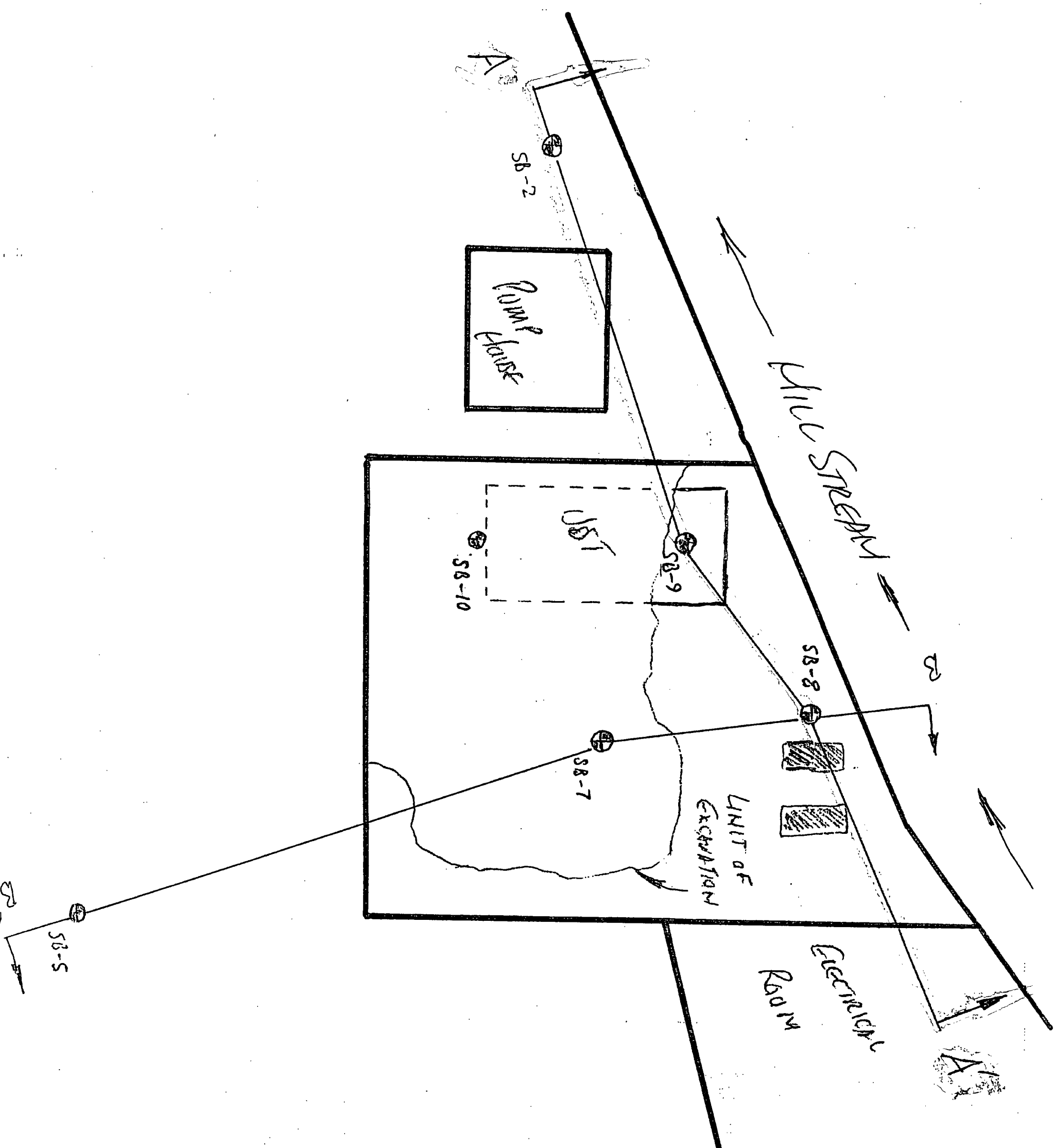
**LOCATION:**  
**WINTHROP, MAINE**

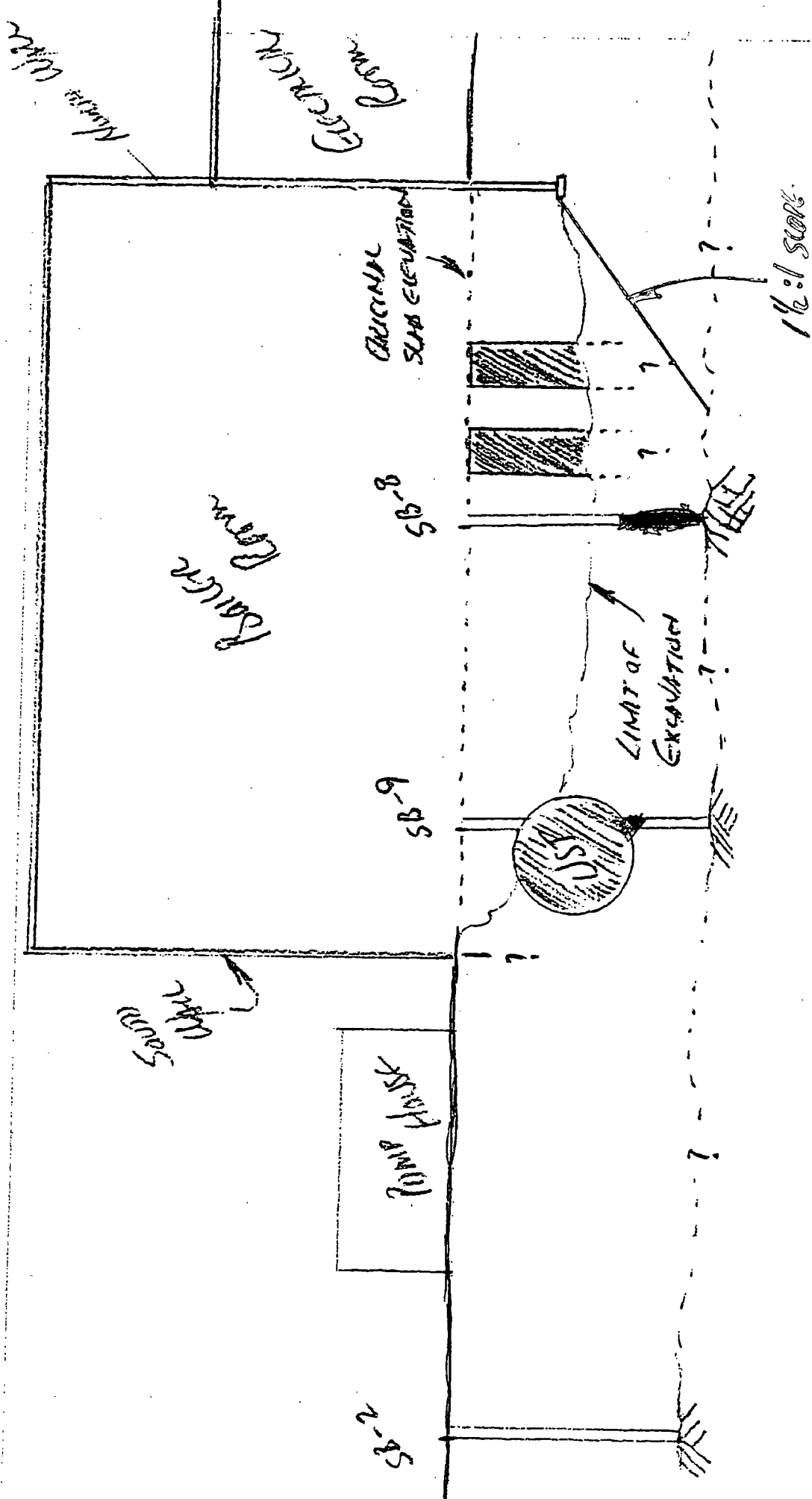
PM:	RC	REV. NO.:	PROJECT NO.:	DRAWING DATE:	ACAD FILE:
	JW	09/16/05	0805-113-00	09/16/05	0805-113-PLAN

**Figure 1**  
**WINTHROP COMMERCE CENTER**



178 GRAY ROAD  
 FALMOUTH, MAINE 04105  
 (207) 253-1890





SECTION A-A'

CONTINUATION FOUND





STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

November 8, 2005

Mr. Rich Campbell  
Campbell Environmental Group  
173 Gray Road  
Falmouth, Maine 04105

Re: Invoice #1577 Winthrop Commerce Center

Dear Rich,

This letter responds to Campbell Environmental Group's (CEG) invoice #1577 dated 10/18/2005 in the amount of \$4,701.24. You requested DEP review the invoice for eligibility for Fund coverage. As you know, a meeting was held with DEP on 8/31/2005 to discuss the possibility of Fund coverage for the site. CEG submitted a draft work plan on behalf of Winthrop Commerce Center (WCC) on 9/1/2005. WCC was subsequently approved for Fund coverage on 9/7/2005. With the exception of one hour charged on 10/17/2005, all the expenses listed in Invoice #1577 are dated prior to the granting of Fund coverage. (I assume the 10/17/2005 charge is time spent in preparing the invoice, which is not eligible). Your justification for the hours listed is for labor at meetings, preparation of initial work plan, file review, DEP communication, and expenses of mileage and tolls. Since the costs in Invoice #1577 are dated between August 30 and September 6, 2005, the Department believes the expenses described in Invoice #1577 were administrative costs incurred in completing the application for Fund coverage and responding to Department requests and comments on behalf of WCC during the application process. Therefore, they would not be eligible cleanup costs, and rather would be the responsibility of WCC. I do not intend to approve invoice #1577 for payment. Please contact me with any questions, comments, or if you require any additional information.

Sincerely,

Peter J. Blanchard  
Division of Response Services  
Bureau of Remediation & Waste Management

p.c. ✓ Jim Cumming, Claims Unit DEP  
Lou Carrier, WCC

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

RECEIVED

2005 NOV -9 A 9:00

MAINE D.E.P.

Tim

Thanks for your  
edits!

Peter



**PROVISIONAL EPA I.D. NUMBER: MEP 0000 16655**

**SITE INFO:**

Site Name: Winthrop Commerce Center  
Location (street): Main St  
City/Town: Winthrop Zip: 04364

**MAILING ADDRESS:**

Name: Low Carrier  
Address: PO Box 33  
City: Winthrop State: ME Zip: \_\_\_\_\_

.....  
Legal Owner: Low Carrier Phone: 207-377-2277

Contact Person: Same Phone: Same

Person Calling for Number: Jason Fish Phone: 457-2400

Company: Environ Projects

Date Issued: 10/18/05 Issued by: RMA

Type and Amount of Waste: 1x5 gal ruddger, acid, aerosols,  
1-55 drum paint, 2-30gal flamm liquid, 1-20 alkaline  
1-55 HW solid metal, 1-5 gal dichlorobenzene

Date accepted by: Transporter \_\_\_\_\_ TSD: \_\_\_\_\_

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Evtemp#

10/18/05-

Jim

Chris though you  
would be interested in this  
in case they try to slip  
something in Risk K

Jim FYI  
Peter

State of Maine

Department of Environmental Protection  
Bureau of Remediation & Waste Management  
Division of Response Services

MEMORANDUM

To: Sherrie Edwards  
From: Peter Blanchard (PJB)  
Date: 12/2/2005  
Subject: EPI invoice 3097

\*\*\*\*\*

Attached is an invoice from Environmental Projects for work done at the Winthrop Commerce Center. The costs are *not* eligible for Fund coverage and I am requesting DEP seek reimbursement. The work was done in conjunction with other eligible work preparing the boiler room at the mill for excavation and removal of oil contaminated soil. This invoice covers characterization and disposal of non oil wastes. I informed the mill owners that DEP would seek cost recovery for these items. I also had EPI keep separate track of time and materials for these items to ensure that non eligible items were not funded. It is necessary and appropriate for DEP to pay this invoice and seek reimbursement to ensure timely and quality service from our contractors in the future. The work was done in conjunction with other work that is Fund eligible, and therefore was efficient and timely to have EPI perform both functions.

Please seek re-imburement for the amount \$4151.62 from:

Winthrop Commerce Center  
P.O. Box 333  
Main St.  
Winthrop, Maine 04363  
Attn: Louis Carrier

c.c. Jim Cumming, Claims

**Cumming, James**

---

**From:** Cumming, James

**Sent:** Monday, December 05, 2005 8:27 AM

**To:** Edwards, Sherrie M

**Subject:** COTE CORPORATION INVOICE #05-100219/ WINTHROP COMMERCE

Sherrie, per your request, I reviewed this invoice and discussed it with Peter Blanchard. Cote Corporation was hired to remove inactive boiler system components to allow Response to get at oil contamination. As such, I concur with Peter that the \$11,610.00 in the subject invoice is an eligible cleanup cost.

12/5/2005

# The Cote Corporation

# INVOICE

05-100219

CRANE-RIGGING  
 P.O. Box 1418 - Auburn, Maine 04211-1418  
 Tel: (207)783-0561 • FAX: (207)783-9042

Date	10/31/2005
P.O. No.	SPILL# A1572005
Customer	4341

MAINE DEP  
 4 BLOSSOM LANE  
 AUGUSTA, ME 04330

Per Order of PETER BLANCHARD	Project REMOVE PIPING, DEAIRATOR TANK & BOILER @ WINTHROP
------------------------------	---

Date	Description	Price
------	-------------	-------

10/24/2005	MONDAY MEN AND EQUIPMENT TO REMOVE PIPING - DEAIRATOR TANK AND BOILER AND SET OUTSIDE.	
10/25/2005	TUESDAY MEN AND EQUIPMENT TO REMOVE PIPING - DEAIRATOR TANK AND BOILER AND SET OUTSIDE.	
10/26/2005	WEDNESDAY MEN AND EQUIPMENT TO REMOVE PIPING - DEAIRATOR TANK AND BOILER AND SET OUTSIDE.	
10/27/2005	THURSDAY MEN AND EQUIPMENT TO REMOVE PIPING - DEAIRATOR TANK AND BOILER AND SET OUTSIDE.	

42-T8  
 90TA CRANE  
 #11  
 15K FORKLIFT  
 M6 FORKLIFT  
 AS QUOTED

*OTNR*

APPROVED FOR PAYMENT  
 vc 2010328231 docid# PV06A  
 fnd 014 agcy 06A org 1517 suborg \_\_\_\_\_ appr 442  
 objt 4925 subobjt \_\_\_\_\_ revsre \_\_\_\_\_  
 job A-157-2005 reptcat \_\_\_\_\_  
 amount \$ 11,610.00  
 AUTHORIZED SIGNATURE Peter Blanchard 11-8-05

11,610.00

*Thank you!*

Terms Net 30 days

LATE PAYMENT CHARGES of 1 1/2 %, 18% per annum, will be added on all accounts after 30 days. In case of default on payment the purchaser agrees to pay all collection costs including reasonable attorney fees.

Sub Total:	11,610.00
Sales Tax Total:	0.00
Invoice Total:	11,610.00

**Cumming, James**

---

**From:** Cumming, James  
**Sent:** Thursday, September 29, 2005 1:49 PM  
**To:** Cumming, James  
**Subject:** WCC UST CASE (A-157-2005)

**9/29/05:** Phone conversation with Peter Blanchard. They are removing some material that may contain asbestos (piping insulation, switches, etc.) to ultimately get at the suspected contamination area. The boiler is inactive and the material in question would need to be removed by the property owners at some point anyway. Peter assumed that his would not be an eligible cleanup cost. I concurred.



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

October 7, 2005

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

Dear Mr. Carrier:

I am writing to acknowledge receipt of your Check #2406 in the amount of \$2,500.00 as full payment of your Insurance Fund deductible balance. I have closed the Insurance Fund deductible case in this matter. Your cooperation is appreciated!

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  
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

James Cumming  
10/6/05

WINTHROP COMMERCE CENTER  
P.O. BOX 333  
WINTHROP, ME. 04364  
PH. 207-377-2277

2406  
62-7248/2112

Date 10/5/05

PAY to the order of Trea. State of Maine \$ 2,500.00 Dollars

Twenty five hundred & 00/100

Gardiner Savings Institution, FSB  
Gardiner, Maine 04345

For Spill # A-157-2005

*[Signature]*

014-06A-1517-44-P04

© 2004 American Express

AMERICAN EXPRESS





STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

September 26, 2005

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

Dear Mr. Carrier:

Winthrop Commerce Center was recently approved for Insurance Fund coverage for an oil discharge discovered at their underground oil storage facility in Winthrop. The coverage was granted for eligible cleanup costs subject to a \$2,500.00 deductible.

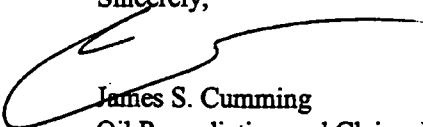
After an applicant is found eligible, the applicant is required to pay the lesser of the deductible amount or the Department's cleanup costs, which are thus far \$136,326.97 in this case. The remaining eligible expenses (up to \$1 million) are paid from the Ground Water Oil Clean up Fund. **If Winthrop Commerce Center 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 they have already met the deductible. I have enclosed a copy of our Fund Coverage Cost Guide for your review in determining if Winthrop Commerce Center may have had eligible cleanup costs. Any eligible amounts which they have paid, as documented by invoices and canceled checks, that exceed the deductible will be reimbursed to them. If they have spent money for eligible clean up expenses, but the amount does not meet the deductible amount, they will be expected to pay the deductible balance. **The deductible amount that has been assigned for the site is \$2,500.00.**

If you are mailing in a check or money order, please make it payable to Treasurer, State of Maine, and reference Spill number A-157-2005 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  
Bureau of Remediation & Waste Management

Enclosure

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

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PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: 764-1507

Applications to the Groundwater Oil Clean-Up Fund after 9/28/95

Date Applic. Rec'd	Date Applic. Complete	Date Discharge Reported	Regis. #	Applicant	Facility Name	Town	Response Staff	Spill #	Enforc. Staff	Standard Deduct.	Condit. Deduct.	Date of Commiss. Signature	Misc.
9/2/05	see also A-161-1990	4/14/90	14593	Winthrop Commerce Center	former Carleton Woolen Mill	Winthrop	Glen Wall	A-157-2005	DMcL	\$2,500	\$0	9/7/05	illegal

Scott, Mary, Diana

9/1/2005

Winthrop Commerce Center  
former Carlton Woolen Mill

14593

Tank 1 - 20 Kg # 6 @ 1p 1967

" 2 - 1 Kg # 2 removed 1991

re fund:

an UST a-i-p under DEP rules is same  
legally as a removed UST

not eligible for fund coverage 38 MRSA

§ 568-A(1)(A) + 562-A(2)

date of discovery allegedly 9/21/~~20~~1990

an improperly abandoned UST w/a  
discharge discovered after 4/1/1990 is  
eligible for Fund coverage if discharge  
was discovered after 4/1/1990 + before  
10/1/1998 568-A(1)(B-2) + (1)(c)

must remove UST

Applicant must be UST owner as of date of  
discovery

→ Applying plain lang. of § 562-A(2) would  
have blurred result. ←

Opill Reports

A-161-1990

4/14/1990

A-540-1990

10/20/1990

improperly abandoned UBT had discharge →  
\$ 10 K conditional deductible  
§ ~~568-A(1)(B)2~~ 568-A(2)(B)(1)

Politically tainted

A-157-2005

Sept. 6, 2005

Peter

still haven't been able to determine exact source of contam. Knows mill is the source, that's all.

Thought a-i-p #6 UST was source until they dug down to ~~it~~ + found it clear. tank had been scraped + filled w/ clean sand.

status of piping is unclear. piping for #6 oil UST no longer present, doesn't know where piping went or <sup>how</sup> was connected at the time. # No one knows exact date of AIP.

re A-104-1993 -

former mill employee told Peter that spill happened earlier and involved more volume than what was reported to DEP.

Facility had ASTs for a while, either 1 20K or 2 10K's. Planning borings around former outdoor ASTs.

Peter: need to tear up boiler room to find source. Premature to assume it's the UST at this time.

maybe an unknown unregistered UST?

9/2/2005

Rich Campbell re

253-1990

Winthrop Commerce Center

Lou Carrier -

John Martin

Eugene Greene

Ken LaJoy

Duke Dulac

ceg@cegenvironmental.com

rcampbell@cegenvironmental.com

Rich under pressure to file applic.  
today

Partners bought it a couple of years ago. Out of money for development, closing on loan from bank today.

Bank making loan contingent on getting Fund coverage! Will file bankruptcy if don't get loan.



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

*Certified Mail #* 7003 1680 0000 0241 4297

September 8, 2005

Winthrop Commerce Center  
P.O. Box 333  
Winthrop, Maine 04364

Attn. Louis Carrier

RE: former Carleton Woolen Mill (regis. #14593)

Dear Mr. Carrier:

The enclosed Department Order contains the Commissioner's determination concerning the application to the Ground Water Oil Clean-up Fund (Fund) for the facility noted above. The Department received the application by hand delivery on September 2, 2005.

The Order states that the Winthrop Commerce Center is eligible for coverage of clean-up costs for the #6 oil discharge reported on September 21, 1990 and on April 29, 2005.

A total deductible of \$2,500.00 is assigned. If you believe the deductible amount is incorrect, you may appeal the deductible determination to the Fund Insurance Review Board (FIRB) within 30 days of receipt of this letter, as provided by Title 38 M.R.S.A. Section 568-A(3-A). If you decide to appeal, you should send a letter indicating the specific grounds for the appeal, with a copy of the Order to:

Michelle MacKenzie  
Fund Insurance Review Board  
c/o Finance Authority of Maine  
P.O. Box 949  
Augusta, Maine 04332-0949

After the appeal period lapses or after any appeal is settled, an applicant covered by the Fund is responsible for paying total eligible clean-up costs or the assigned deductible, whichever is less. Clean-up costs that an eligible applicant has paid directly may be credited toward the deductible if they are properly documented with copies of invoices and proof of payment, and if they are eligible clean-up costs as defined by statute 38 M.R.S.A. § 562-A(7-A). The Fund does not cover the cost of tank pump-out/ cleaning, tank removal, site assessment, clean-up actions that the Department has not required, or clean-up costs that are not associated with underground Tank 1 (the #6 oil tank).

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

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

PORTLAND  
312 CANCO ROAD  
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PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 764-1507



If you have any questions about this letter, please call me at 287-7856 or write to me at the Department's Augusta address or by e-mail at [diana.m.mclaughlin@maine.gov](mailto:diana.m.mclaughlin@maine.gov)

Sincerely,

*Diana McLaughlin*

Diana McLaughlin  
Division of Oil & Hazardous Waste Facilities Regulation  
Bureau of Remediation & Waste Management

Pc Glen Wall, DEP, Division of Response Services  
File

Enclosure

<i>D McLaughlin</i>	
<b>SENDER: COMPLETE THIS SECTION</b>	<b>COMPLETE THIS SECTION ON DELIVERY</b>
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <i>[Signature]</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery <i>LOUIS Carrier</i> <i>9/2/05</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
1. Article Addressed to:	
<b>WINTHROP COMMERCE CENTER</b> <b>PO BOX 333</b> <b>WINTHROP, ME 04364</b>	<p>Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
<i>7003 1680 0000 0241 4297</i>	
PS Form 3811, August 2001	Domestic Return Receipt
	102595-02-M-1540

**Department Order for Applicant to Ground Water Oil Clean-up Fund**  
**Underground Oil Storage Facilities**

*Division of Oil & Hazardous Waste Facilities Regulation*  
*-- Oil Enforcement Staff only --*

Date: September 7, 2005

Applicant: Winthrop Commerce Center

Facility: former Carleton Woolen Mills, Inc.                      Regis. # 14593

Date applic. received: September 2, 2005

Applicant mailing address: P.O. Box <sup>333</sup> Main Street, Winthrop, Maine 04364

Applicant telephone: (207) 377-2277

Date oil discharge reported: April 14, 1990

Spill # A-161-1990                      Response Services staff: Glen Wall

Standard Deductible: \$2,500.00                      Conditional Deductible: \$0

Signature deadline: immediately

File name: **h:\BRWM\Shared Files\Orders\xdm carleton**

**Approval:**

Division Director (initial): (SW)                      Date 9/7/05

Comments: as noted

***Forward Department Order to BRWM Director for signature.***

Please return signed Order to Diana McLaughlin. **Do not file with BEP.**  
(OEU staff)



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17      AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

WINTHROP COMMERCE CENTER      ) UNDERGROUND OIL  
REGISTRATION # 14593      ) STORAGE FACILITIES &  
UNDERGROUND OIL STORAGE      ) GROUNDWATER  
FACILITY OWNER      ) PROTECTION LAW  
APPLICATION TO THE MAINE      ) FUND ELIGIBILITY  
GROUNDWATER OIL CLEAN-UP FUND      ) DETERMINATION

The applicant, the Winthrop Commerce Center (WCC), has submitted a request for coverage of eligible petroleum discharge clean-up costs by the Ground Water Oil Clean-up Fund (Fund) pursuant to Title 38 M.R.S.A. § 568-A. After review of the application, its supporting documents, and the Department's (DEP's) files, the Department finds the following facts:

1. The WCC owns the former Carleton Woolen Mills, Inc. (CWM), a registered underground oil storage facility located at 51 Main Street in Winthrop. The Winthrop Commerce Center purchased the CWM at an auction held by the U.S. Bankruptcy Court in 2001.
2. The facility is not located in a sensitive geologic area, as defined by Title 38 M.R.S.A. § 562-A(19) and DEP's Rules for Underground Oil Storage Facilities, (the Rules) Chapter 691, § 3(QQ).
3. In June 1987, DEP received a complaint alleging that there were abandoned underground oil storage tanks at the CWM that had not been registered or removed as required by DEP Rules. DEP contacted CWM concerning the possible tanks. In a letter dated June 9, 1987, CWM staff indicated that CWM did not have any underground storage tanks. Further inquiry by DEP staff and discussion with CWM's engineer revealed that the following two underground tanks were present.

<u>Tank #</u>	<u>Volume (gallons)</u>	<u>Product stored</u>
1	20,000	#6 fuel oil (heavy oil)
2	1,000	#2 fuel oil

The tanks and piping were constructed of unprotected steel and the installation dates are unknown. CWM registered the tanks with DEP in December 1987.

WINTHROP COMMERCE CENTER	2	UNDERGROUND OIL
REGISTRATION # 14593	)	STORAGE FACILITIES &
UNDERGROUND OIL STORAGE	)	GROUNDWATER
FACILITY OWNER	)	PROTECTION LAW
APPLICATION TO THE MAINE	)	FUND ELIGIBILITY
GROUNDWATER OIL CLEAN-UP FUND	)	DETERMINATION

4. The CWM engineer reported to DEP that the 20,000 gallon tank (Tank 1) had leaked in the 1960s. The extent and outcome of the oil discharge is unknown. CWM reportedly filled Tank 1 with sand and abandoned it in place in or around 1969. The alleged abandonment predates DEP's Rules for Underground Oil Storage Facilities, Chapter 691, Appendix K, effective 1986, which specifies requirements for abandonment-in-place of a tank. The 1,000 gallon tank (Tank 2) reportedly was removed in the 1980s. Tank 1 remains in the ground, to date.
  
5. The mill also stored #6 oil in one or more Aboveground Storage Tanks (ASTs) until an unknown date in the 1990s. Oil was stored either in one 20,000 gallon AST or in two 15,000 gallon ASTs beginning in or around 1969. The ASTs were removed at an unknown date.
  
6. On April 14, 1990 the Department received a complaint from the Augusta Sanitary District (ASD) reporting that #6 oil had been found at the ASD's pump station in Winthrop. The origin of the oil was traced to the CWM and the cause was believed to be a problem with one of the mill's boilers. The Department oversaw clean-up of the spill.
  
7. On September 21, 1990, CWM contacted the Department to report the appearance of an oil sheen on Mill Stream, which runs directly beneath the CWM building. Mill Stream flows into Annabessecook Lake. CWM reported that in addition to possible gasoline and #2 fuel or diesel, #6 oil (heavy oil) was occasionally sighted. No specific source was identified by CWM or the DEP.
  
8. On October 20, 1990 the ASD reported a reappearance of #6 oil in its sanitary sewer in Winthrop. The Department again traced the oil to CWM and oversaw clean-up of the spill. CWM determined that the source was the fuel supply piping in the boiler room.
  
9. On February 22, 1993, CWM reported to DEP that one of its ASTs had just been overfilled, resulting in an oil discharge. DEP staff responded to the spill and determined that approximately 200 gallons of oil had been discharged to the ground outside the building. DEP oversaw the clean-up of approximately 30 cubic yards of snow contaminated with #6 oil.

WINTHROP COMMERCE CENTER	3	UNDERGROUND OIL
REGISTRATION # 14593	)	STORAGE FACILITIES &
UNDERGROUND OIL STORAGE	)	GROUNDWATER
FACILITY OWNER	)	PROTECTION LAW
APPLICATION TO THE MAINE	)	FUND ELIGIBILITY
GROUNDWATER OIL CLEAN-UP FUND	)	DETERMINATION

10. On April 29, 2005, the Department received a complaint from the Winthrop Police Department reporting an oil spill along the shoreline of Annabessecook Lake. The DEP investigated and deployed a sorbent boom in the lake to contain the oil, which was found to be #6 oil. The DEP and a contractor cleaned up oil from lake and the shore over the next several weeks. The DEP traced the origin of the oil to CWM, and in May 2005, observed #6 oil leaching from the soil outside CWM's boiler room. Limited test borings were made in the boiler room floor to access the abandoned-in-place tank, and the results showed that the tank had been filled with sand as reported, and no petroleum appeared to be in the test borings. Additional investigation including possible excavation beneath the CWM boiler room floor is planned to assist in the identification of the source of the oil discharge.
  
11. Coverage of a discharge from an underground oil storage facility is subject to the following conditions.
  - A. The applicant must submit a completed written request for coverage within 180 days of the date the oil discharge was reported to the Department, unless the Commissioner waives the filing deadline pursuant to Title 38 M.R.S.A. § 568-A(1)(A).
  - B. The oil discharge must be from an underground oil storage facility existing at the time of the discovery (Title 38 M.R.S.A. § 568-A(1)).
  - C. The applicant must agree to pay the standard deductible pursuant to Title 38 M.R.S.A. § 568-A(2)(A) and any conditional deductibles for violations of the applicable underground oil storage statutes and rules pursuant to Title 38 M.R.S.A. § 568-A(2)(B).
  
12. An oil discharge that was discovered on or before April 1, 1990 is not covered by the Fund (Title 38 M.R.S.A. § 568-A(1)(B-1)).
  
13. An oil discharge discovered after October 1, 1998, that is from bare steel underground tanks or piping is not covered by the Fund (Title 38 M.R.S.A. § 568-A(1)(B-2)).
  
14. Pursuant to Title 38 M.R.S.A. § 568-A(2), any past or future oil discharge will be deemed a separate occurrence as defined by Title 38 M.R.S.A. § 562-A(14) and will not be covered under the terms of this Order.
  
15. On September 2, 2005, the Winthrop Commerce Center submitted to the Department a application for coverage by the Fund of eligible clean-up costs, as provided by Title 38 M.R.S.A. § 568-A

Based on the above Findings of Fact, the Department DETERMINES the following:

WINTHROP COMMERCE CENTER	4	UNDERGROUND OIL
REGISTRATION # 14593	)	STORAGE FACILITIES &
UNDERGROUND OIL STORAGE	)	GROUNDWATER
FACILITY OWNER	)	PROTECTION LAW
APPLICATION TO THE MAINE	)	FUND ELIGIBILITY
GROUNDWATER OIL CLEAN-UP FUND	)	DETERMINATION

The Commissioner has waived the 180-day filing deadline as authorized by Title 38 M.R.S.A. § 568-A(1)(A), because the applicant cooperated in a timely manner with the Department in cleaning up the discharge.

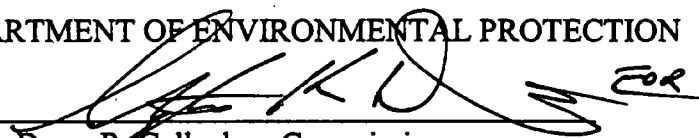
The Winthrop Commerce Center is eligible for coverage by the Ground Water Oil Clean-up Fund of costs deemed eligible pursuant to § 562-A(7-A), and associated with the oil discharge from the former Carlton Woolen Mills, Inc. facility, as described in Paragraphs 7 and 10 above.

The Winthrop Commerce Center is assessed a deductible of eligible clean-up costs and third party damage claims in the amount of \$2,500.00 pursuant to Title 38 M.R.S.A. § 568-A(2)(A)(1).

To maintain Fund coverage of the eligible clean-up costs, the applicant must:

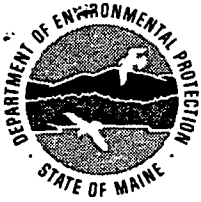
1. Upon request, provide the Department with copies of invoices or reports, as needed, to document eligible clean-up costs as defined by Title 38 M.R.S.A. § 562-A(7-A);
2. Pay the total standard deductible amount of two thousand five hundred dollars (\$2,500.00) or total eligible clean-up costs and third party damages, whichever is less;
3. Implement those investigative and clean-up actions that are required and approved by the Department, or enable the Department to undertake investigation and clean-up of the oil discharge site to the Department's satisfaction; and
4. Comply with all terms and conditions of the agreement for coverage pursuant to Title 38 M.R.S.A. § 568-A(4).

DONE AND DATED AT AUGUSTA, MAINE, THIS 7<sup>th</sup> DAY  
 OF September, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 BY:   
 Dawn R. Gallagher, Commissioner

**This Order is a final agency action. The deductible amount specified in this order may be appealed to the Fund Insurance Review Board within 30 days of receipt of this document, as provided by Title 38 M.R.S.A. § 568-A(3-A).**

Date of receipt of application: September 2, 2005



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17      AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

WINTHROP COMMERCE CENTER	)	UNDERGROUND OIL
REGISTRATION # 14593	)	STORAGE FACILITIES &
UNDERGROUND OIL STORAGE	)	GROUNDWATER
FACILITY OWNER	)	PROTECTION LAW
APPLICATION TO THE MAINE	)	FUND ELIGIBILITY
GROUNDWATER OIL CLEAN-UP FUND	)	DETERMINATION

The applicant, the Winthrop Commerce Center (WCC), has submitted a request for coverage of eligible petroleum discharge clean-up costs by the Ground Water Oil Clean-up Fund (Fund) pursuant to Title 38 M.R.S.A. § 568-A. After review of the application, its supporting documents, and the Department's (DEP's) files, the Department finds the following facts:

1. The WCC owns the former Carleton Woolen Mills, Inc. (CWM), a registered underground oil storage facility located at 51 Main Street in Winthrop. The Winthrop Commerce Center purchased the CWM at an auction held by the U.S. Bankruptcy Court in 2001.
2. The facility is not located in a sensitive geologic area, as defined by Title 38 M.R.S.A. § 562-A(19) and DEP's Rules for Underground Oil Storage Facilities, (the Rules) Chapter 691, § 3(QQ).
3. In June 1987, DEP received a complaint alleging that there were abandoned underground oil storage tanks at the CWM that had not been registered or removed as required by DEP Rules. DEP contacted CWM concerning the possible tanks. In a letter dated June 9, 1987, CWM staff indicated that CWM did not have any underground storage tanks. Further inquiry by DEP staff and discussion with CWM's engineer revealed that the following two underground tanks were present.

<u>Tank #</u>	<u>Volume (gallons)</u>	<u>Product stored</u>
1	20,000	#6 fuel oil (heavy oil)
2	1,000	#2 fuel oil

The tanks and piping were constructed of unprotected steel and the installation dates are unknown. CWM registered the tanks with DEP in December 1987.

WINTHROP COMMERCE CENTER	2	UNDERGROUND OIL
REGISTRATION # 14593	)	STORAGE FACILITIES &
UNDERGROUND OIL STORAGE	)	GROUNDWATER
FACILITY OWNER	)	PROTECTION LAW
APPLICATION TO THE MAINE	)	FUND ELIGIBILITY
GROUNDWATER OIL CLEAN-UP FUND	)	DETERMINATION

4. The CWM engineer reported to DEP that the 20,000 gallon tank (Tank 1) had leaked in the 1960s. The extent and outcome of the oil discharge is unknown. CWM reportedly filled Tank 1 with sand and abandoned it in place in or around 1969. The alleged abandonment predates DEP's Rules for Underground Oil Storage Facilities, Chapter 691, Appendix K, effective 1986, which specifies requirements for abandonment-in-place of a tank. The 1,000 gallon tank (Tank 2) reportedly was removed in the 1980s. Tank 1 remains in the ground, to date.
5. The mill also stored #6 oil in one or more Aboveground Storage Tanks (ASTs) until an unknown date in the 1990s. Oil was stored either in one 20,000 gallon AST or in two 15,000 gallon ASTs beginning in or around 1969. The ASTs were removed at an unknown date.
6. On April 14, 1990 the Department received a complaint from the Augusta Sanitary District (ASD) reporting that #6 oil had been found at the ASD's pump station in Winthrop. The origin of the oil was traced to the CWM and the cause was believed to be a problem with one of the mill's boilers. The Department oversaw clean-up of the spill.
7. On September 21, 1990, CWM contacted the Department to report the appearance of an oil sheen on Mill Stream, which runs directly beneath the CWM building. Mill Stream flows into Annabessecook Lake. CWM reported that in addition to possible gasoline and #2 fuel or diesel, #6 oil (heavy oil) was occasionally sighted. No specific source was identified by CWM or the DEP.
8. On October 20, 1990 the ASD reported a reappearance of #6 oil in its sanitary sewer in Winthrop. The Department again traced the oil to CWM and oversaw clean-up of the spill. CWM determined that the source was the fuel supply piping in the boiler room.
9. On February 22, 1993, CWM reported to DEP that one of its ASTs had just been overfilled, resulting in an oil discharge. DEP staff responded to the spill and determined that approximately 200 gallons of oil had been discharged to the ground outside the building. DEP oversaw the clean-up of approximately 30 cubic yards of snow contaminated with #6 oil.



WINTHROP COMMERCE CENTER	3	UNDERGROUND OIL
REGISTRATION # 14593	)	STORAGE FACILITIES &
UNDERGROUND OIL STORAGE	)	GROUNDWATER
FACILITY OWNER	)	PROTECTION LAW
APPLICATION TO THE MAINE	)	FUND ELIGIBILITY
GROUNDWATER OIL CLEAN-UP FUND	)	DETERMINATION

10. On April 29, 2005, the Department received a complaint from the Winthrop Police Department reporting an oil spill along the shoreline of Annabessecook Lake. The DEP investigated and deployed a sorbent boom in the lake to contain the oil, which was found to be #6 oil. The DEP and a contractor cleaned up oil from lake and the shore over the next several weeks. The DEP traced the origin of the oil to CWM, and in May 2005, observed #6 oil leaching from the soil outside CWM's boiler room. Limited test borings were made in the boiler room floor to access the abandoned-in-place tank, and the results showed that the tank had been filled with sand as reported, and no petroleum appeared to be in the test borings. Additional investigation including possible excavation beneath the CWM boiler room floor is planned to assist in the identification of the source of the oil discharge.
  
11. Coverage of a discharge from an underground oil storage facility is subject to the following conditions.
  - A. The applicant must submit a completed written request for coverage within 180 days of the date the oil discharge was reported to the Department, unless the Commissioner waives the filing deadline pursuant to Title 38 M.R.S.A. § 568-A(1)(A).
  - B. The oil discharge must be from an underground oil storage facility existing at the time of the discovery (Title 38 M.R.S.A. § 568-A(1)).
  - C. The applicant must agree to pay the standard deductible pursuant to Title 38 M.R.S.A. § 568-A(2)(A) and any conditional deductibles for violations of the applicable underground oil storage statutes and rules pursuant to Title 38 M.R.S.A. § 568-A(2)(B).
  
12. An oil discharge that was discovered on or before April 1, 1990 is not covered by the Fund (Title 38 M.R.S.A. § 568-A(1)(B-1)).
  
13. An oil discharge discovered after October 1, 1998, that is from bare steel underground tanks or piping is not covered by the Fund (Title 38 M.R.S.A. § 568-A(1)(B-2)).
  
14. Pursuant to Title 38 M.R.S.A. § 568-A(2), any past or future oil discharge will be deemed a separate occurrence as defined by Title 38 M.R.S.A. § 562-A(14) and will not be covered under the terms of this Order.
  
15. On September 2, 2005, the Winthrop Commerce Center submitted to the Department a application for coverage by the Fund of eligible clean-up costs, as provided by Title 38 M.R.S.A. § 568-A

Based on the above Findings of Fact, the Department DETERMINES the following:

WINTHROP COMMERCE CENTER  
REGISTRATION # 14593  
UNDERGROUND OIL STORAGE  
FACILITY OWNER  
APPLICATION TO THE MAINE  
GROUNDWATER OIL CLEAN-UP FUND

4 UNDERGROUND OIL  
) STORAGE FACILITIES &  
) GROUNDWATER  
) PROTECTION LAW  
) FUND ELIGIBILITY  
) DETERMINATION

The Commissioner has waived the 180-day filing deadline as authorized by Title 38 M.R.S.A. § 568-A(1)(A), because the applicant cooperated in a timely manner with the Department in cleaning up the discharge.

The Winthrop Commerce Center is eligible for coverage by the Ground Water Oil Clean-up Fund of costs deemed eligible pursuant to § 562-A(7-A), and associated with the oil discharge from the former Carlton Woolen Mills, Inc. facility, as described in Paragraphs 7 and 10 above.

The Winthrop Commerce Center is assessed a deductible of eligible clean-up costs and third party damage claims in the amount of \$2,500.00 pursuant to Title 38 M.R.S.A. § 568-A(2)(A)(1).

To maintain Fund coverage of the eligible clean-up costs, the applicant must:

1. Upon request, provide the Department with copies of invoices or reports, as needed, to document eligible clean-up costs as defined by Title 38 M.R.S.A. § 562-A(7-A);
2. Pay the total standard deductible amount of two thousand five hundred dollars (\$2,500.00) or total eligible clean-up costs and third party damages, whichever is less;
3. Implement those investigative and clean-up actions that are required and approved by the Department, or enable the Department to undertake investigation and clean-up of the oil discharge site to the Department's satisfaction; and
4. Comply with all terms and conditions of the agreement for coverage pursuant to Title 38 M.R.S.A. § 568-A(4).

DONE AND DATED AT AUGUSTA, MAINE, THIS 2<sup>th</sup> DAY  
OF September, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BY:   
Dawn R. Gallagher, Commissioner

**This Order is a final agency action. The deductible amount specified in this order may be appealed to the Fund Insurance Review Board within 30 days of receipt of this document, as provided by Title 38 M.R.S.A. § 568-A(3-A).**

Date of receipt of application: September 2, 2005

## McLaughlin, Diana M

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**From:** McLaughlin, Diana M  
**Sent:** Friday, September 02, 2005 3:34 PM  
**To:** Whittier, Scott; Davis, Stephen K  
**Subject:** FW: Carlton Woolen Mill #14593

**Attachments:** Fund fact sheet.DOC; fund instructions May 05.DOC; fund applic May 05.doc

FYI.  
Rich Campbell is working for the owners of the Winthrop Commerce Center (Lou Carrier, John Martin, Duke Dulac, Eugene Green and Ken LaJoie). He called me today.

---

**From:** McLaughlin, Diana M  
**Sent:** Friday, September 02, 2005 1:13 PM  
**To:** 'rcampbell@cegenvironmental.com'  
**Subject:** Carlton Woolen Mill #14593

Rich,  
Here are the Fund information and application forms. Have a nice weekend.



Fund fact  
sheet.DOC (60 KB)



fund instructions  
May 05.DOC (...)



fund applic May  
05.doc (71 KB)...

Diana

Diana McLaughlin  
Environmental Specialist IV  
Underground Oil Storage Tanks Program, Enforcement  
Department of Environmental Protection  
#17 State House Station  
Augusta, Maine 04333-0017  
(207) 287-7856  
diana.m.mclaughlin@maine.gov

## McLaughlin, Diana M

---

**From:** McLaughlin, Diana M  
**Sent:** Thursday, September 08, 2005 12:47 PM  
**To:** Wall, Glen; Blanchard, Peter J  
**Subject:** Winthrop Commerce Center

**Attachments:** CWM order letter.doc; xdm carleton.doc

Hi Glen and Peter,

Here are the Fund coverage Department Order and letter that went out today. Steve Davis signed the actual Order yesterday.

Glen, my compliments on a very informative spill report A-157-2005; I would have been in the dark without it. Thank you to both of you for helping me sort this case out on extremely short notice.

Needless to say, this was not on my agenda. Although at least they are more likely to cooperate with the investigation now.

Diana



CWM order  
letter.doc (41 KB)



xdm carleton.doc  
(73 KB)

So when is the next KBC meeting?

**McLaughlin, Diana M**

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**From:** McLaughlin, Diana M  
**Sent:** Tuesday, September 06, 2005 4:45 PM  
**To:** Whittier, Scott  
**Subject:** RE: WCC Order

You will have it by 9.

---

**From:** Whittier, Scott  
**Sent:** Tuesday, September 06, 2005 3:50 PM  
**To:** McLaughlin, Diana M  
**Subject:** WCC Order  
**Importance:** High

Steve just informed me he wants the order by 11:00 tomorrow because he is going to Kennebunkport for the rest of the week.

Scott D. Whittier, Director  
Oil and Hazardous Waste Facilities Division  
Maine Department of Environmental Protection  
Bureau of Remediation and Waste Management  
Station #17  
Augusta, ME. 04333 -0017  
(207) 287 - 7674  
Fax (207) 287 - 7826  
<http://www.maine.gov/dep>



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

September 8, 2005

Winthrop Commerce Center  
P.O. Box 333  
Winthrop, Maine 04364

Attn. Louis Carrier

RE: former Carleton Woolen Mill (regis. #14593)

Dear Mr. Carrier:

The enclosed Department Order contains the Commissioner's determination concerning the application to the Ground Water Oil Clean-up Fund (Fund) for the facility noted above. The Department received the application by hand delivery on September 2, 2005.

The Order states that the Winthrop Commerce Center is eligible for coverage of clean-up costs for the #6 oil discharge reported on September 21, 1990 and on April 29, 2005.

A total deductible of \$2,500.00 is assigned. If you believe the deductible amount is incorrect, you may appeal the deductible determination to the Fund Insurance Review Board (FIRB) within 30 days of receipt of this letter, as provided by Title 38 M.R.S.A. Section 568-A(3-A). If you decide to appeal, you should send a letter indicating the specific grounds for the appeal, with a copy of the Order to:

Michelle MacKenzie  
Fund Insurance Review Board  
c/o Finance Authority of Maine  
P.O. Box 949  
Augusta, Maine 04332-0949

After the appeal period lapses or after any appeal is settled, an applicant covered by the Fund is responsible for paying total eligible clean-up costs or the assigned deductible, whichever is less. Clean-up costs that an eligible applicant has paid directly may be credited toward the deductible if they are properly documented with copies of invoices and proof of payment, and if they are eligible clean-up costs as defined by statute 38 M.R.S.A. § 562-A(7-A). The Fund does not cover the cost of tank pump-out/ cleaning, tank removal, site assessment, clean-up actions that the Department has not required, or clean-up costs that are not associated with underground Tank 1 (the #6 oil tank).

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

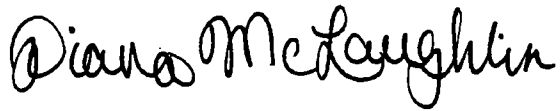
BANGOR  
106 HOGAN ROAD  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

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

If you have any questions about this letter, please call me at 287-7856 or write to me at the Department's Augusta address or by e-mail at [diana.m.mclaughlin@maine.gov](mailto:diana.m.mclaughlin@maine.gov)

Sincerely,

A handwritten signature in black ink that reads "Diana McLaughlin". The signature is written in a cursive style with a large initial "D".

Diana McLaughlin  
Division of Oil & Hazardous Waste Facilities Regulation  
Bureau of Remediation & Waste Management

Pc Glen Wall, DEP, Division of Response Services  
File

Enclosure



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17      AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

WINTHROP COMMERCE CENTER	)	UNDERGROUND OIL
REGISTRATION # 14593	)	STORAGE FACILITIES &
UNDERGROUND OIL STORAGE	)	GROUNDWATER
FACILITY OWNER	)	PROTECTION LAW
APPLICATION TO THE MAINE	)	FUND ELIGIBILITY
GROUNDWATER OIL CLEAN-UP FUND	)	DETERMINATION

The applicant, the Winthrop Commerce Center (WCC), has submitted a request for coverage of eligible petroleum discharge clean-up costs by the Ground Water Oil Clean-up Fund (Fund) pursuant to Title 38 M.R.S.A. § 568-A. After review of the application, its supporting documents, and the Department's (DEP's) files, the Department finds the following facts:

1. The WCC owns the former Carleton Woolen Mills, Inc. (CWM), a registered underground oil storage facility located at 51 Main Street in Winthrop. The Winthrop Commerce Center purchased the CWM at an auction held by the U.S. Bankruptcy Court in 2001.
2. The facility is not located in a sensitive geologic area, as defined by Title 38 M.R.S.A. § 562-A(19) and DEP's Rules for Underground Oil Storage Facilities, (the Rules) Chapter 691, § 3(QQ).
3. In June 1987, DEP received a complaint alleging that there were abandoned underground oil storage tanks at the CWM that had not been registered or removed as required by DEP Rules. DEP contacted CWM concerning the possible tanks. In a letter dated June 9, 1987, CWM staff indicated that CWM did not have any underground storage tanks. Further inquiry by DEP staff and discussion with CWM's engineer revealed that the following two underground tanks were present.

<u>Tank #</u>	<u>Volume (gallons)</u>	<u>Product stored</u>
1	20,000	#6 fuel oil (heavy oil)
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The tanks and piping were constructed of unprotected steel and the installation dates are unknown. CWM registered the tanks with DEP in December 1987.



WINTHROP COMMERCE CENTER	2	UNDERGROUND OIL
REGISTRATION # 14593	)	STORAGE FACILITIES &
UNDERGROUND OIL STORAGE	)	GROUNDWATER
FACILITY OWNER	)	PROTECTION LAW
APPLICATION TO THE MAINE	)	FUND ELIGIBILITY
GROUNDWATER OIL CLEAN-UP FUND	)	DETERMINATION

4. The CWM engineer reported to DEP that the 20,000 gallon tank (Tank 1) had leaked in the 1960s. The extent and outcome of the oil discharge is unknown. CWM reportedly filled Tank 1 with sand and abandoned it in place in or around 1969. The alleged abandonment predates DEP's Rules for Underground Oil Storage Facilities, Chapter 691, Appendix K, effective 1986, which specifies requirements for abandonment-in-place of a tank. The 1,000 gallon tank (Tank 2) reportedly was removed in the 1980s. Tank 1 remains in the ground, to date.
  
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6. On April 14, 1990 the Department received a complaint from the Augusta Sanitary District (ASD) reporting that #6 oil had been found at the ASD's pump station in Winthrop. The origin of the oil was traced to the CWM and the cause was believed to be a problem with one of the mill's boilers. The Department oversaw clean-up of the spill.
  
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WINTHROP COMMERCE CENTER	3	UNDERGROUND OIL
REGISTRATION # 14593	)	STORAGE FACILITIES &
UNDERGROUND OIL STORAGE	)	GROUNDWATER
FACILITY OWNER	)	PROTECTION LAW
APPLICATION TO THE MAINE	)	FUND ELIGIBILITY
GROUNDWATER OIL CLEAN-UP FUND	)	DETERMINATION

10. On April 29, 2005, the Department received a complaint from the Winthrop Police Department reporting an oil spill along the shoreline of Annabessecook Lake. The DEP investigated and deployed a sorbent boom in the lake to contain the oil, which was found to be #6 oil. The DEP and a contractor cleaned up oil from lake and the shore over the next several weeks. The DEP traced the origin of the oil to CWM, and in May 2005, observed #6 oil leaching from the soil outside CWM's boiler room. Limited test borings were made in the boiler room floor to access the abandoned-in-place tank, and the results showed that the tank had been filled with sand as reported, and no petroleum appeared to be in the test borings. Additional investigation including possible excavation beneath the CWM boiler room floor is planned to assist in the identification of the source of the oil discharge.
11. Coverage of a discharge from an underground oil storage facility is subject to the following conditions.
  - A. The applicant must submit a completed written request for coverage within 180 days of the date the oil discharge was reported to the Department, unless the Commissioner waives the filing deadline pursuant to Title 38 M.R.S.A. § 568-A(1)(A).
  - B. The oil discharge must be from an underground oil storage facility existing at the time of the discovery (Title 38 M.R.S.A. § 568-A(1)).
  - C. The applicant must agree to pay the standard deductible pursuant to Title 38 M.R.S.A. § 568-A(2)(A) and any conditional deductibles for violations of the applicable underground oil storage statutes and rules pursuant to Title 38 M.R.S.A. § 568-A(2)(B).
12. An oil discharge that was discovered on or before April 1, 1990 is not covered by the Fund (Title 38 M.R.S.A. § 568-A(1)(B-1)).
13. An oil discharge discovered after October 1, 1998, that is from bare steel underground tanks or piping is not covered by the Fund (Title 38 M.R.S.A. § 568-A(1)(B-2)).
14. Pursuant to Title 38 M.R.S.A. § 568-A(2), any past or future oil discharge will be deemed a separate occurrence as defined by Title 38 M.R.S.A. § 562-A(14) and will not be covered under the terms of this Order.
15. On September 2, 2005, the Winthrop Commerce Center submitted to the Department a application for coverage by the Fund of eligible clean-up costs, as provided by Title 38 M.R.S.A. § 568-A

Based on the above Findings of Fact, the Department DETERMINES the following:

WINTHROP COMMERCE CENTER  
REGISTRATION # 14593  
UNDERGROUND OIL STORAGE  
FACILITY OWNER  
APPLICATION TO THE MAINE  
GROUNDWATER OIL CLEAN-UP FUND

4 UNDERGROUND OIL  
) STORAGE FACILITIES &  
) GROUNDWATER  
) PROTECTION LAW  
) FUND ELIGIBILITY  
) DETERMINATION

The Commissioner has waived the 180-day filing deadline as authorized by Title 38 M.R.S.A. § 568-A(1)(A), because the applicant cooperated in a timely manner with the Department in cleaning up the discharge.

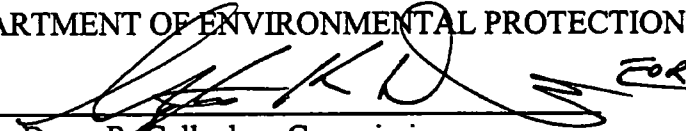
The Winthrop Commerce Center is eligible for coverage by the Ground Water Oil Clean-up Fund of costs deemed eligible pursuant to § 562-A(7-A), and associated with the oil discharge from the former Carlton Woolen Mills, Inc. facility, as described in Paragraphs 7 and 10 above.

The Winthrop Commerce Center is assessed a deductible of eligible clean-up costs and third party damage claims in the amount of \$2,500.00 pursuant to Title 38 M.R.S.A. § 568-A(2)(A)(1).

To maintain Fund coverage of the eligible clean-up costs, the applicant must:

1. Upon request, provide the Department with copies of invoices or reports, as needed, to document eligible clean-up costs as defined by Title 38 M.R.S.A. § 562-A(7-A);
2. Pay the total standard deductible amount of two thousand five hundred dollars (\$2,500.00) or total eligible clean-up costs and third party damages, whichever is less;
3. Implement those investigative and clean-up actions that are required and approved by the Department, or enable the Department to undertake investigation and clean-up of the oil discharge site to the Department's satisfaction; and
4. Comply with all terms and conditions of the agreement for coverage pursuant to Title 38 M.R.S.A. § 568-A(4).

DONE AND DATED AT AUGUSTA, MAINE, THIS 7<sup>th</sup> DAY  
OF September, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BY:   
Dawn R. Gallagher, Commissioner

**This Order is a final agency action. The deductible amount specified in this order may be appealed to the Fund Insurance Review Board within 30 days of receipt of this document, as provided by Title 38 M.R.S.A. § 568-A(3-A).**

Date of receipt of application: September 2, 2005

9/12/2005

Andre LaCasse Gardiner Savings Bank

got copy of cover letter of Dept. Order for WCC, wonders if this means all #6 oil costs will be covered - DMCL: yes, if they are associated w/ the UST. There could be non-UST related clean up costs that will not be covered; in that case, WCC would be asked to reimburse DEP; however I am not aware of any at this time.

Gardiner Savings Bank gave huge loan to WCC, held up loan pending Fund coverage. "many million \$\$" loan

Leasing office space - Maine General Hospital to be major tenant  
20,000 ft<sup>2</sup>  
(~180,000 ft<sup>2</sup> left to rent)

Has letter from DEP re EPI workplan.



**CARLETON WOOLEN MILLS, INC.**

P.O. BOX 317 • WINTHROP, MAINE 04364 • (207) 377-2291

FINE FASHION  
FABRICS

RECEIVED  
DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION  
SEP 24 11 31 AM '90

September 21, 1990

Michael Hudson  
Bureau of Oil & Hazardous Materials Control  
Department of Environmental Protection  
State House Station #17  
Augusta, ME 04333

Dear Mr. Hudson,

In the last four to six weeks, I have noted the presence of small fuel slicks on the surface of Mill Stream. The slicks have ranged in size from four inches to twenty-four inches in diameter. To date, we have been unable to isolate a single source for these sightings. Due to the proximity of the stream to the mill, town streets and parking lots, several sources are possible.

We feel the slicks are primarily gasoline and diesel fuel. However, heavier fuel has been sighted, possibly #6 fuel oil residuals.

We would appreciate your ideas as to how we may be helpful in identifying and following up for corrective action.

Sincerely,

Michael Oberlander  
Facilities Engineer  
Carleton Woolen Mills, Inc.

pc: Lewis P. Allen, MEDEP Water Quality  
T. Gordon, Cobboose Watershed District  
B. Gravel, CWM  
D. Lucas, CWM  
J. Farrell, CWM

MO/jc



**CARLETON WOOLEN MILLS, INC.**

P.O. BOX 317 • WINTHROP, MAINE 04364 • (207) 377-2291

FINE FASHION  
FABRICS

A-540-90

OCT 25 9 37 AM '90

October 23, 1990

Frank Gehrling  
Bureau of Oil and Hazardous Materials Control  
Department of Environmental Protection  
State House Station #17  
Augusta, ME 04333

SUBJECT: #6 Fuel Oil Leak to Augusta Sanitary District

Dear Frank,

Please note the following spill report:

October 20, 1990, 8:30 p.m.: #6 fuel oil leak was detected in the CWM boiler room. The leak was traced to the fuel supply piping and was found to be leaving the facility via our sanitary line. The oil pumps were shut down and repairs started immediately.

October 20, 1990, 8:35 p.m.: CWM facilities engineer and maintenance superintendent were informed of the spill. ASD and MEDEP were then notified. Clean Harbors, Inc. was called in to effect the clean up.

ASD, CWM and MEDEP personnel inspected the Winthrop pump station and found oil in the wet well. The Manchester pump station was also checked and small quantities of oil were found. ASD then took steps to control and contain the spill.

October 21, 1990, 1:00 a.m.: Clean Harbors vector truck arrived at the Winthrop pump station.

October 21, 1990, 8:00 a.m.: Clean Harbors left the Winthrop station. 1,250 gallons of oil were recovered.

October 22 and 23, 1990: Clean Harbors completed the clean up. This consisted primarily of cleaning wet well walls at the Winthrop and Manchester pump stations. These operations yielded about 150 gallons of oil.

CAUSE: The cause of the spill has been traced to salt water splashing from the CWM boiler water softening system blowdown onto the oil line. The salt water corroded the pipe over a period of time and it eventually failed.



CORRECTIVE ACTION:

1. The boiler room pipe trench will be dammed/bermed with concrete to prevent future oil migration to the drain.
2. 1/4" steel diamond plate (used to cover trenches) will be replaced with standard steel grating to ensure visibility.
3. The boiler room drain will have a steel plug installed. The plug will have a 2' valve stem welded to it. The drain will only be used for excess boiler blowdown and floor washings.
4. A larger collection bell will be placed on the water softener blowdown drain to eliminate saline mist and splashing.
5. Items 1, 2, 3 will be added to the watchman's checklist, ensuring inspection every two hours.

All items will be complete by Friday, October 26, 1990.

Although an unfortunate and expensive spill incident, everyone involved handled the response in a very expedient, safe and professional manner. Please do not hesitate to call with any follow-up questions or comments.

Sincerely,



Michael Oberlander  
Facilities Engineer  
Carleton Woolen Mills, Inc.

pc: D. Glidden, Augusta Sanitary District  
B. Gravel, CWM  
D. Lucas, CWM  
J. Farrell, CWM  
J. Lyons, CWM

MO/jc



WINTHROP COMMERCE CENTER  
REGISTRATION #14593  
UNDERGROUND OIL STORAGE  
FACILITY OWNER  
APPLICATION TO THE MAINE  
GROUNDWATER OIL CLEAN-UP FUND

3 UNDERGROUND OIL  
) STORAGE FACILITIES &  
) GROUNDWATER  
) PROTECTION LAW  
) FUND ELIGIBILITY  
) DETERMINATION

*Calen  
9/8*

10. On April 29, 2005, the Department received a complaint from the Winthrop Police Department reporting an oil spill along the shoreline of Annabessecook Lake. The DEP investigated and deployed a sorbent boom in the lake to contain the oil, which was found to be #6 oil. The DEP and a contractor cleaned up oil from lake and the shore over the next several weeks. The DEP traced the origin of the oil to CWM, and in May 2005, *Two* observed #6 oil leaching from the soil outside CWM's boiler room. ~~Limited~~ test borings were made in the boiler room floor to access the ~~abandoned-in-place tank~~, and the results ~~showed that the tank had been filled with sand as reported, and no petroleum appeared to be in the rest borings.~~ *were clean.* Additional investigation including possible excavation beneath the CWM boiler room floor is planned to assist in the identification of the source of the oil discharge. *soil*
11. Coverage of a discharge from an underground oil storage facility is subject to the following conditions.
- A. The applicant must submit a completed written request for coverage within 180 days of the date the oil discharge was reported to the Department, unless the Commissioner waives the filing deadline pursuant to Title 38 M.R.S.A. § 568-A(1)(A). *Part of the floor was removed to access the tank, which had been filled w/ sand, as reported.*
- B. The oil discharge must be from an underground oil storage facility existing at the time of the discovery (Title 38 M.R.S.A. § 568-A(1)).
- C. The applicant must agree to pay the standard deductible pursuant to Title 38 M.R.S.A. § 568-A(2)(A) and any conditional deductibles for violations of the applicable underground oil storage statutes and rules pursuant to Title 38 M.R.S.A. § 568-A(2)(B).
12. An oil discharge that was discovered on or before April 1, 1990 is not covered by the Fund (Title 38 M.R.S.A. § 568-A(1)(B-1)).
13. An oil discharge discovered after October 1, 1998, that is from bare steel underground tanks or piping is not covered by the Fund (Title 38 M.R.S.A. § 568-A(1)(B-2)).
14. Pursuant to Title 38 M.R.S.A. § 568-A(2), any past or future oil discharge will be deemed a separate occurrence as defined by Title 38 M.R.S.A. § 562-A(14) and will not be covered under the terms of this Order.
15. On September 2, 2005, the Winthrop Commerce Center submitted to the Department a application for coverage by the Fund of eligible clean-up costs, as provided by Title 38 M.R.S.A. § 568-A

Based on the above Findings of Fact, the Department DETERMINES the following:



Rec'd

9/2/2005

2:30 PM

DMC

**Lajoie Brothers, Inc.**  
**General Contractors**  
P.O. Box 5428  
36 Mt. Vernon Ave.  
Augusta, ME 04332

DEP  
Steve Davis

Steve wants  
Dept. Order by  
9/7/2005

State of Maine  
Department of Environmental Protection  
Bureau of Remediation & Waste Management  
#17 State House Station  
Augusta, Maine 04333-0017  
(207) 287-2651

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**APPLICATION TO THE GROUND WATER OIL CLEAN-UP FUND  
for Underground Oil Storage Facilities**

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*Please provide all information requested in the form. If a question or item does not apply, mark it "N/A". Incomplete or unsigned applications will be returned.*

**I. Applicant**

- a. Applicant's name: Winthrop Commerce Center
- b. Mailing address: PO Box 333 Winthrop, ME 04364
- c. Phone #: 207-377-2277
- d. Federal tax ID # ~~or Social Security #~~ 01-0547135
- e. Contact person (if different from above): Louis Carrier
- f. Are there any legal actions pending related to this incident? Yes \_\_\_ No X

**II. Facility (Site)**

- a. Facility name: Winthrop Commerce Center
- b. Owner: Winthrop Commerce Center
- c. Operator: Same
- d. Tank registration number: Site No. 14593, Tank #1
- e. Location (street and town): 51 Maine Street Winthrop, ME
- f. Phone # 207-377-2277
- g. Date tank(s) were last in use (month and year): Unknown

**III. Insurance Information**

- a. Name of insurance company Dunlap Insurance
- b. Name and phone number of insurance agent MIKE DUFOR 800-464-1203

**IV. Description of the oil leak or discharge:**

*Attach additional pages if needed. If any of the information requested below appears in a site assessment report or other written report, you may respond by referring to the applicable pages and submitting a copy of the report with this application. Copies of documents already on file at DEP need not be resubmitted.*

- a. Date of discovery: September 21, 1990
- b. Department staff person leak or discharge was reported to: Michael Hudson
- c. Spill #, if known (assigned by DEP): Unknown
- d. Type of product (gasoline, diesel, #2 fuel, etc.): No. 6 Fuel Oil
- e. How was the discharge discovered? ex. during tank removal\*, from site assessment, etc. (\* if tanks were removed, explain why): Visually observed on Mill Stream surface adjacent to tank.
- f. Initial actions taken to report and investigate evidence of a possible leak, if applicable:  
A letter was written to the MEDEP by Carleton Woolen Mills reporting the possible leak.
- g. Actions taken to take tank(s) out of service, if applicable. Include date. \_\_\_\_\_  
Abandoned in place, date unknown.
- h. Initial actions taken to clean up or investigate the oil discharge (excavation of contaminated soil, hydrogeological investigation, soil venting, etc.) Be specific.  
None
- i. Locations affected or threatened by the oil discharge, such as drinking water wells, lakes, streams, rivers, sewers, nearby structures with basements, if known. May refer to site assessment or other investigation if applicable. Mill Stream and Lake Annabessacook

- j. Description and dates of any previous discharge(s) of petroleum products or investigation(s) of a possible leak or discharge at this facility: Unknown
- 
- k. Additional or future clean-up instructions (if known): Campbell Environmental Group has submitted a work plan dated September 1, 2005 outlining tasks requested by MEDEP
- 
- l. If the underground oil storage facilities at this site were removed or are planned for removal, have new facilities been installed or planned for installation? Y \_\_\_ / N X

## V. Deductibles

Applicants found eligible for coverage must pay the applicable deductible amounts pursuant to 38 M.R.S.A. § 568-A(2) or total eligible clean-up costs, whichever is less.

### A. Standard Deductible

The standard deductible is based on the number of facilities owned by the owner of facility seeking Fund coverage. A "facility" is a single site with one or more underground tanks and piping.

Example: The owner of 2 tanks at service station "A", 4 tanks at service station "B", and 1 tank at a residence "C" owns 3 facilities. This includes all facilities **owned at the time** the oil discharge was reported to the Department.

*Please certify as follows.*

The owner of the facility that is the subject of this application owns a total of \_\_\_\_\_ facilities (*list number*).

### B. Conditional Deductibles

The Fund law requires payment of conditional deductibles for failure to comply with applicable rules for installation, leak detection, annual inspection and maintenance and reporting evidence of a possible leak or spill. A complete list of conditional deductibles is presented in Section V of the information sheet that accompanies this form. Determination of whether or not some of the deductibles apply will be based upon compliance information currently on file with the Department of Environmental Protection, while others will be based on the information you submit with your application. If the facility has been the subject of a Notice of Violation or if the relevant documentation is unclear or inadequate, the Department may request submittal of additional information to demonstrate compliance with specific requirements.

*Submit any of following with this application that are checked.*

- Spill log for listing petroleum discharge of less than 10 gallons, that do not reach the environment and are promptly cleaned up
- Monthly reconciliation of daily inventory records for leak detection, for a minimum of 90 day period.
- Weekly monitoring well logsheet

**VI. Agreement between the Applicant and the Commissioner for Coverage by the Ground Water Oil Clean-up Fund.**

*Please indicate on the last page of the application the Clean-up Option you have chosen from those listed below.*

**By signing this request and agreement for coverage by the Ground Water Oil Clean-up Fund, I (applicant) agree as follows:**

**Clean-up Option I**

- A. to have the Department manage the clean-up of my property and pay directly all eligible clean-up costs and third party damage claims above the amount of my deductible (see paragraph C. below) and up to a maximum of \$1,000,000, as provided by statute. I understand and agree that the Department will take all reasonable clean-up actions deemed necessary by the Commissioner to protect public health and the environment, that clean-up will be performed to the Commissioner's satisfaction, as provided by statute; that the Department will make all decisions relating to the clean-up, including but not limited to the hiring and firing of contractors; and that the work will be initiated and terminated at the Department's discretion, subject to the availability of monies in the Ground Water Oil Clean-up Fund;
- B. to permit access by the Department and any of its employees or agents to all properties and buildings under the control of the applicant for the purpose of conducting inspections, reviewing records, obtaining samples and performing necessary remedial activities for this site;
- C. to pay all applicable standard and conditional deductible amounts determined by the Commissioner, as specified in 38 M.R.S.A. § 568-A(2);

- D. to release and forever discharge the State of Maine, the Department and their employees from any and all actions, causes of action, claims or demands for damages, costs, contribution, indemnification, or any other thing whatsoever, which the applicant now has, or which may hereafter accrue or otherwise be acquired, including without limitation, any and all claims for bodily injury or personal injury, emotional distress, wrongful death or damage to property, whether now known or unknown, and whenever accruing, arising out of, resulting from or relating to the contamination of groundwater, surface water or soils from a discharge of oil which is the subject of this application and any efforts to clean up, remove or remediate such discharge or contamination.

### **Clean-up Option II**

- A. to manage the clean-up of this site to the Department's established clean-up standard. I will be responsible for hiring and firing, overseeing and paying all contractors and consultants conducting work on site, with the Department retaining the responsibility and authority for review and approval of all work to be conducted on site;
- B. to submit to the Department for review and approval a plan for remedial actions within 30 days of the Department's request for such a plan. Any plan submitted will describe in detail all proposed monitoring and clean-up activities and will include hourly rates for equipment and labor, and estimated cost of each activity;
- C. to perform only those investigative and remedial tasks that are necessary to clean up the site to the satisfaction of the Commissioner, are cost-effective and technologically feasible and reliable, effectively mitigate or minimize damages, and adequately protect the environment and public health;
- D. to submit to the Department copies of all results from sampling water, soil, air or other mediums as required;
- E. to maintain accurate and detailed accounting records with copies of invoices that describe work performed or item purchased, the date of the purchase, cost of the purchase, and vendor; and copies of corresponding canceled checks and receipts;
- F. to pay stipulated penalties in the amount of \$100.00 per day in the event that I fail to comply with any of the above terms of this agreement. Stipulated penalties will be assessed only in the event that I fail to comply within thirty (30) days of receipt of a written notice of failure to comply with the terms of this agreement. If resolution is not reached within this thirty (30) day period, the Department's determination and request for stipulated penalties shall be considered final agency action for the purposes of judicial review and enforcement in Superior Court;
- G. to clean up the site to the Commissioner's satisfaction;

H. to indemnify, defend and save harmless, the State, its officers, agents and employees, from any and all claims or losses accruing or resulting to any and all contractors, subcontractors, material men, laborers and any other person, firm or corporation furnishing and supplying work, services, materials or supplies in connection with the performance of this work funded by the Ground Water Oil Clean-up Fund, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged in the performance of the work funded by the Ground Water Oil Clean-up Fund, and against any liability, including costs and expenses for violation of proprietary rights, copyrights, or rights of privacy, arising out of publication, translation, reproduction, delivery, performance, use or disposition of any data furnished in connection with the work funded by the Ground Water Oil Clean-up Fund or based on any libelous or other unlawful matter contained in such data.

I certify that the information I have provided in this application and in any supporting materials is accurate to the best of my knowledge; and that I have read, understand and will abide by the terms of this agreement for **Option I  / Option II**  above (check one).

Winthrop Commerce Center, LLC

Louis CARRIER

Applicant or agent for applicant (please print)

Winthrop Commerce Center, LLC

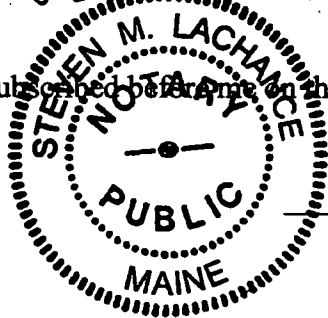
by Louis Carrier, Pres.

Signature

Sept. 2, 2005

Date

Sworn to and subscribed before me on this 2<sup>nd</sup> day of September, 2005



[Signature]

Notary Public or Attorney at Law  
STEVEN M. LACHANCE  
Notary Public, Maine  
My Commission Expires January 5, 2010

Falsification of any information contained on this form or submitted in support of this request for coverage is a violation of 38 M.R.S.A. § 349 and upon conviction a person is subject to a fine of not more than \$10,000.00, or by imprisonment for not more than 6 months, or both.

**Please make a copy of this application for your records and submit original to Department of Environmental Protection (see top of page 1 for address). For assistance in completing the application call (207) 287-7856.**

WINTHROP COMMERCIAL CTR

(9/1/05)

NTV  
had another  
with

→ OLD BARK STEEL USE. USE IN '60s

LEAKING TO LINK IT → STILL LEAKING

APPROXIMATELY IN PLACE → UNDER CONCRETE

FLOOR (1/2 FILLING OF SAND) ← AT OUTSTANDING  
BY PLATE

→ REPLACEMENT OF ASTI → OFFICE 1993



→ HOWEVER, USE IS MOST LIKELY SOURCE

→ 1990 FRANK GEARING BY CERTAIN WORK

WORK DONE?

OCT. 1990 SPILL

↑  
(FUEL - CONTAINERS?)

TANK (1)  
REGISTERED

→ SIDE ASSESSMENT  
↑ (HOW MANY  
STUPPER?)  
→ 3PDC??



Chris Swain  
Maine DEP  
State House Station 17  
Augusta, ME  
04333

Alex Pught  
Maine DEP  
State House Station 17  
Augusta, ME  
04333

Josh Ledwith  
6 Kerygma Drive  
Rockport, ME  
04856



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

August 25, 2005

Mr. Louis Carrier  
Winthrop Commerce Center  
162 Main St.  
PO Box 333  
Winthrop, Maine 04364

Dear Mr. Carrier:

In a previous letter dated August 18, 2004 the Department requested that Winthrop Commerce Center (WCC) submit a work plan to investigate and remedy the discharge at your Winthrop facility. Although responsible parties many times wish to perform site investigation and remedial work on their own, the Department is prepared to perform the investigation and clean-up. A decision by WCC to conduct this work must be determined as soon as possible in order to take advantage of the existing construction season. As outlined in our previous letter to you, a work plan would include:

- A plan to directly observe the inside of the foundation wall and footing of the boiler room that abuts Mill Stream. Because the material beneath the boiler room floor is coarse gravel and borings taken in the past have not provided sufficient recovery, borings will not be an acceptable means to investigate this area to determine if it is the source of the oil,
- A plan to remove and/or isolate the oil and contaminated soil such that future discharges to Mill stream will not occur. Contaminated soil and media shall be disposed at a facility licensed to accept the waste,
- A plan to investigate other areas of the mill including but not limited to the former heavy oil AST tank area where the spill occurred in 1993 to assess the presence of oil contaminated soil and identify any potential conduits to the mill stream,
- A plan to visually inspect the area beneath the mill upstream of the boiler room for evidence of oil staining or residual contamination which may have been caused by salvage operators or extreme high water flows.

If WCC wishes that the Department proceed with this work, it will be necessary for WCC to provide access to the Department and its authorized representatives and contractors. If WCC elects to perform the work, the Department will provide the necessary oversight and support during field activities.

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 297-7688  
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

During previous conversations with WCC, we discussed the possibility of insurance fund coverage for the discharge from the above ground tank which occurred in 1993. We also discussed details of the Department's investigation pertaining to the underground tank located inside the mill boiler room. As WCC is aware, the tank was apparently successfully cleaned and abandoned in place during the late 1960's or early 1970's. Samples were taken by the Department inside this tank with no indication of petroleum being present.

While releases from the underground tank, associated piping and structures in the mill do not appear to be eligible for fund coverage because of their age, if the discharge is found to be coming from the former heavy oil above ground tank area, clean-up costs may be eligible for insurance fund coverage. Applicants deemed eligible for insurance fund coverage are required to pay a deductible amount as specified in statute. The amount of the deductible is based on a number of factors and is determined at the time an application is processed, and could range in the neighborhood of \$500.00 to \$15,000.00. The Office of the State Fire Marshal will be involved in making the determination for eligibility and appropriate deductible amounts.

I trust that this captures the essence of questions asked by WCC and will assist you in developing a path forward for this site. If we can be of further assistance, please do not hesitate to contact Peter Blanchard of my staff at 287-3692, or me at 287-7890.

Sincerely,



Stephen K. Davis, P.G., Director  
Bureau of Remediation & Waste Management

cc: Dawn R. Gallagher, Commissioner  
Jim Dusch, MEDEP  
Mark Hyland, MEDEP  
Peter Blanchard, MEDEP

## Cumming, James

---

**From:** Fournier, Christopher G  
**Sent:** Friday, September 02, 2005 8:41 AM  
**To:** Cumming, James  
**Subject:** FW: Title 38, MRSA § 569-A.2 (C)

---

**From:** James, John  
**Sent:** Monday, March 19, 2001 5:42 PM  
**To:** Fournier, Christopher G  
**Subject:** RE: Title 38, MRSA § 569-A.2 (C)

This provision was included in section 569-A when that section was enacted in 1992 (see PL 1991, c. 817, eff. April 6, 1992). Section 569-A replaced section 569 which was repealed. The language that now appears in 569-A(2)(C) appeared in section 569(2-A)(C), which was enacted by PL 1987, c. 491, section 17, eff. September 29, 1987.

—Original Message—

**From:** Fournier, Christopher G  
**Sent:** Monday, March 19, 2001 11:07 AM  
**To:** James, John  
**Subject:** Title 38, MRSA § 569-A.2 (C)

John,

Would you be able to tell me when the minimization of damages sub-section was put into the Third Party Damage Claims statute? The citation is Title 38, MRSA § 569-A.2 (C), and it reads "A claimant shall take all reasonable measures to prevent and minimize damages suffered by the claimant as a result of a discharge of oil. Reasonable measures include title searches and site assessments for the acquisition of commercial or industrial properties."

Thanks,



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

August 18, 2005

Mr. Louis Carrier  
Winthrop Commerce Center  
162 Main St.  
PO Box 333  
Winthrop, Maine 04364

*Handwritten notes:*  
P.S. of 8/29/05  
MSP/Adapt  
LW (sent?)  
WCC of 8/29/05  
No CC

RE: Prohibited Oil Discharge, 38 M.R.S.A., §543

Dear Mr. Carrier:

As you are aware the Department of Environmental Protection has been remediating and investigating an unlicensed oil discharge into Mill Stream and Annabessacook Lake in Winthrop, Maine. The discharge is prohibited by Maine's Oil Discharge Prevention and Pollution Control Laws, 38 M.R.S.A. § 543. The oil discharge was reported on April 9, 2005, at 0900 by a local resident. As a result of this investigation, the Department has determined that the source of the oil is the former Carleton Woolen Mill currently known as the Winthrop Commerce Center (WCC). The Department supports this finding based on the following evidence:

1. By sample analysis and observation the oil that was discharged on or about April 9, 2005 into Mill Stream was a heavy heating oil.
2. Based on Department tank registration files, facility closure records, spill reports, and other Department records kept since 1978, three facilities in Winthrop utilized heavy heating oil, including the WCC. DEP assessed the location of stranded oil observed in Mill Stream, closure records for the facilities that used this oil and a survey of surface drainage in the Mill Stream area. Investigation of the other two facilities, (the former Inmont manufacturing plant and the former Adell School) indicates no heavy heating oil was discharged to Mill Stream from these alternate sources.
3. Interviews with four former mill employees indicate the heavy oil tank beneath the boiler room and/or associated piping leaked oil resulting in periodic discharges into Mill Stream in the past. Due to this leakage, the 20,000 gallon tank located beneath the mill boiler room was first retrofitted with an interior coating. The tank continued to leak and was subsequently abandoned in place in the late 1960's or early 1970's. A letter dated September 21, 1990, from Carlton Woolen Mills to DEP reports the presence of small fuel slicks in Mill Stream. The source of these slicks was not identified.
4. No heavy heating oil has been found by observation or sample analysis in Mill Stream above the Winthrop Commerce Center.

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PORTLAND, MAINE 04103  
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5. By sample analysis and observation, heavy heating oil is found at the base of the foundation outside of the boiler room of the mill. The same type of oil, as verified by sample analysis and observation, is found downstream in Mill Stream and Annabessacook Lake.
6. Interviews with former mill employees and Department records indicate a significant spill of heavy oil occurred February 22, 1993, at the Carleton Woolen Mill's Main St. mill at the outdoor above ground storage tank. A source of #6 oil may exist in the subsurface at this location.
7. A drainage study of the storm water catch basins and surface drainage feeding into Mill Stream did not reveal evidence of oil. The drainage study included Main St., Town Hall Lane, Highland Ave., Mechanic Row, and Clark St. including the area around the former Carlton Mill. The shoreline of Maranacook Lake, Mill Stream and Annabessacook Lake were walked and observed from boats. No additional oil discharges from other locations were observed. Staff from Cobbossee Watershed District and the Winthrop Utilities District familiar with the drainage assisted in researching and conducting this evaluation into the origin of the discharge.
8. The spring of 2005 brought extensive rainfall with frequent heavy rains and voluminous snow melt. In conjunction with this, a large diameter cast iron water pipe in the small building adjacent to the boiler room suffered a rupture filling the lower portion of the building with water, saturating surrounding soil, and causing water to flow into Mill Stream at a prodigious rate at the time of the spill. To complicate matters further, water from an unknown source leaked into the mill building just below Main Street resulting in flooding conditions in the lower part of the mill. These conditions raised the local water table in the vicinity of the boiler room creating substantial hydraulic pressure that may have forced oil trapped in the subsurface into Mill Stream.
9. Following a heavy precipitation event the week of May 27, 2005, more heavy heating oil began accumulating along new pieces of sorbent material placed in lower Mill Stream. Subsequently, sorbent materials were staged immediately outside the boiler room and upstream of the mill across Main Street. Laboratory analysis of staining on sorbent materials staged upstream of the mill do not match the components of heavy oil found in lower Mill Stream and Annabessacook Lake below the WCC. However, laboratory analysis of staining on sorbents immediately outside the boiler room do match the oil found in the lower Mill Stream and Annabessacook Lake.

It is clear that the oil in Mill Stream and Annabessacook Lake is the same oil that is found immediately outside the boiler room. It is important to the protection of Maine's surface waters, the residents of Winthrop and the citizens of the state that this discharge is not allowed to continue to pollute Mill Stream and Annebessacook Lake. To assist the Department in preventing additional releases to Mill Stream and Annabessacook Lake, the Department requests that WCC perform the following actions:

1. Within 14 days of receipt of this letter, submit a work plan and schedule for Department review and approval to investigate the source of the heavy oil found in Mill Stream outside the boiler room. The work plan shall include but is not limited to:

- A plan to directly observe the inside of the foundation wall and footing of the boiler room that abuts Mill Stream. Because the material beneath the boiler room floor is coarse gravel and borings taken in the past have not provided sufficient recovery, borings will not be an acceptable means to investigate this area to determine if it is the source of the oil;
- A plan to remove and/or isolate the oil and contaminated soil such that future discharges to Mill Stream will not occur. Contaminated soil and media shall be disposed at a facility licensed to accept the waste;
- A plan to investigate other areas of the mill including but not limited to the former heavy oil AST tank area where the spill occurred in 1993 to assess the presence of oil contaminated soil and identify any potential conduits to Mill Stream,
- A plan to visually inspect the area beneath the mill upstream of the boiler room for evidence of oil staining or residual contamination which may have been caused by salvage operators or extreme high water flows.

Alternatively, if the WCC is unable to prepare and implement a workplan as outlined above, the Department is willing to hire contractors and proceed with the necessary work. If WCC wishes the Department to proceed, it will be necessary for WCC to provide access to the Department and its authorized representatives and contractors. The expenses incurred by the Department will be subject to a subsequent reimbursement request in accordance with Title 38 MRSA, subsection 551.6.

The Department is available to meet to discuss the findings of this letter and the investigation work plan. Please contact Peter Blanchard at 287-3692, or me at 287-7890 if you require additional information or wish to arrange a meeting.

Sincerely,



Stephen K. Davis, P.G., Director  
Bureau of Remediation & Waste Management

cc: Dawn R. Gallagher, Commissioner  
Jim Dusch, MEDEP  
Peter Blanchard, MEDEP  
Scott Farwell, MEDEP  
Scott Whittier, MEDEP