



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

January 21, 2010

Dwight Doughty, Manager
Groundwater and Hazardous Waste Division
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333-0016

Subject: Howland Bridge Replacement Project- No Action Assurance Letter

Dear Mr. Doughty:

The Maine Department of Environmental Protection (the Department) has received and reviewed your application and voluntary remedial action plan submitted which you submitted to the Department's Voluntary Response Action Program (VRAP) for the Howland Bridge Replacement Project located at the corner of Coffin Street and Lagrange Road in Howland. SW Cole completed an environmental assessment report titled Modified Phase One and Limited Phase II Environmental Site Assessment Maine DOT Project No. 15635.00 which was included with your application. This application was submitted to the Department with the request that the site participate in the VRAP and that you, as applicant to the VRAP, receive the protections provided by the VRAP Law.

There are three parcels included in this site with a total size of 1.9 acres. The Pink property is a vacant residential property with no environmental issues identified. The Azbell property has historically been used as a gas station and an auto repair facility. Petroleum contamination as well as a small ash layer was identified in the subsurface soil during the Phase II investigation on the Azbell property. The Town parcel is currently used as an ice skating rink in the winter months. This property was historically associated with the Howland Tannery. Subsurface borings on this parcel showed minor amounts of ash which may have been deposited with fill materials. The primary contaminants of concern are the petroleum constituents present on the Azbell property.

Based on the information presented in the reports submitted to date, the Department agrees with the remedial approach presented by the MDOT. Based on your planed redevelopment of this site as a road, the following remedial actions are required:

1. All utilities placed onsite will be installed in clean material so that if repairs are needed future workers will not be exposed to contamination.
2. Soils that are excavated on the Azbell property will be screened with a photo ionization detector (PID). Materials showing a PID reading greater than 20 ppmv but less than saturated (as shown by a "shake test") will be managed onsite. Contaminated material will not be placed within 100 feet of the river. A marker layer (such as a geotextile

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fabric) will be placed over areas of contamination that display a PID reading of over 100 ppmv on the Azbell property to delineate the beginning of contamination. These areas will then be covered by either an impervious material such as asphalt or a minimum of 8" of clean soil. Soil areas will be seeded to prevent erosion. If contamination exists in an area that is not excavated during the construction of the road and bridge a marker layer does not have to be placed; however, these areas must be noted on the final plan for the site.

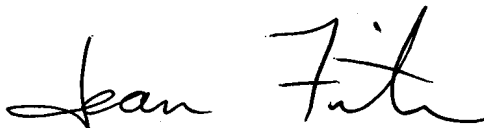
3. Materials which are saturated with petroleum products as shown by the "shake test" will be disposed off site at an appropriate facility.
4. An operations and maintenance plan for the site will be submitted to the Department for review and approval. This plan will describe the how the cover system installed will be inspected and maintained as well as provide the procedures future construction workers will follow to ensure they are not exposed to contamination.
5. Once the remediation of the site is complete a deed restriction prohibiting residential development and the installation of groundwater extraction wells onsite will be placed on the site. This restriction, as a Declaration of Environmental Covenant, will be submitted to the Department for review and signature before it is recorded at the Penobscot County Registry of Deeds.

Provided that the remedial actions are completed as outlined in the above and to the satisfaction of the Department, Maine Department of Transportation and their successors and/or assigns will be granted the liability protection provided by 38 M.R.S.A. §343-E(1) for the property located at Lagrange Road and Coffin Street, identified as Map U9 Lots 24, 25 and 74 of the Howland Tax Map, and described in Book 11007 Page 244, Book 9889 Page 222 and Book 3054 Page 94 of the Penobscot County Registry of Deeds. The Department will take no action against the Maine Department of Transportation and those persons identified in 38 M.R.S.A. § 343-E(6).

Once the proposed and recommended remedial measures at the property have been implemented, to the satisfaction of the Department, a report demonstrating the successful completion of the tasks must be forwarded to the VRAP. Upon determining successful conclusion of the remedial tasks, the Department will issue Commissioner's Certificate of Completion to the Maine Department of Transportation.

If you have any questions, please call me at 207-287-7716.

Sincerely,



Jean Firth, Oil and Hazardous Materials Specialist
Division of Remediation
Bureau of Remediation and Waste Management

Cc: Steve Pinette, SW Cole