

DEPARTMENT ORDER

IN THE MATTER OF

*JDS*

CITY OF BANGOR	)	COMMISSIONER'S CERTIFICATION
73 HARLOW STREET	)	OF COMPLETION OF REMEDIAL
BANGOR, MAINE 04401	)	ACTIONS UNDER A VOLUNTARY
	)	RESPONSE ACTION PLAN

JURISDICTION

This certification of completion of a Voluntary Response Action Plan ("VRAP") is made pursuant to the authority vested in the Commissioner of the Maine Department of Environmental Protection ("Department") or the Commissioner's delegee under 38 M.R.S.A. Section 343-E.

FINDINGS OF FACT

1. The covered property ("property" and/or "site") is generally bordered by the Penobscot River to the east, the Barrett Paving property to the south, Main Street to the west, and Railroad Street to the north, and is identified on Bangor Tax Map 43 as Lot 40. The 33 acre site was formerly owned and operated by Maine Central Railroad as a freight yard and terminal from 1854 until 1986. An active main line track runs through the property. A map of the property location is included as Attachment A (Attachment A-Site Location Map).
2. The property use in the area is primarily commercial.
3. The area, including the property, is served by public water and sewer.
4. ERM-New England, Inc. ("ERM"), an environmental consultant working for Maine Central Railroad, completed preliminary investigations at the property and identified residual petroleum compounds, polynuclear aromatic hydrocarbons ("PAHs") and metals in the onsite soils. A remedial workplan for a cover system to eliminate direct contact with the contaminants was developed by ERM. The cover system design was approved by the Department in a "No Action Assurance" letter dated September 16, 1996.
5. During the period of 1997 through 2002, unpaved areas of the site were covered and seeded according to the provisions of the approved remedial workplan. In addition, the portion of the site leased to Barrett Paving was filled and paved with bituminous pavement as a substitute for the soil cover system. The property on which the existing railroad tracks are located was not subject to the cover system. An August 1, 2002 letter report from Cole confirms that the cover system was constructed as designed.

CITY OF BANGOR  
73 HARLOW STREET  
BANGOR, MAINE 04401

2 COMMISSIONER'S CERTIFICATION  
) OF COMPLETION OF REMEDIAL  
) ACTIONS UNDER A VOLUNTARY  
) RESPONSE ACTION PLAN

### CONCLUSIONS

1. The City of Bangor, as current owners of the property, have submitted a Voluntary Response Action Plan application to the Commissioner pursuant to 38 M.R.S.A. §343-E for the property generally bordered by the Penobscot River to the east, the Barrett Paving property to the south, Main Street to the west, and Railroad Street to the north, and is identified on Bangor Tax Map 43 as Lot 40.
2. Site assessments conducted at the site included investigation reports that adequately identify the nature and extent of contamination at the site.
3. Remedial actions addressing the potential sources of contamination on the property have been completed and it has been demonstrated to the satisfaction of the Commissioner that the necessary remedial actions are complete.
4. Provided that the current owners of the property, the City of Bangor, and their successors and/or assigns comply with the conditions of this certification, the response actions that have been completed and the activities associated with the continued use of the site will not cause, contribute, or exacerbate discharges, releases, or threatened releases, if they exist at the site, that are not required to be removed or remediated under the VRAP.

THEREFORE, pursuant to 38 M.R.S.A. §343-E(5), David Lennett, Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection certifies, subject to the conditions set forth below, that remedial actions have been completed by the City of Bangor for the property by the Penobscot River to the east, the Barrett Paving property to the south, Main Street to the west, and Railroad Street to the north, and identified on Bangor Tax Map 43 as Lot 40. Upon issuance of this CERTIFICATE, the City of Bangor and the persons qualified for protection under 38 M.R.S.A. §343-E(6) are entitled to the protection from liability to the extent provided by 38 M.R.S.A. §343-E(1). This protection from liability is limited to the matters addressed by and identified by the environmental reports and is subject to the qualifications and conditions set forth below and in 38 M.R.S.A. § 343-E.

### CONDITIONS

1. The installation of drinking water wells on the property is prohibited.
2. As portions of the site are developed, the City of Bangor will submit the details of the planned development to the Department for review and approval. No

CITY OF BANGOR  
73 HARLOW STREET  
BANGOR, MAINE 04401

3 COMMISSIONER'S CERTIFICATION  
) OF COMPLETION OF REMEDIAL  
) ACTIONS UNDER A VOLUNTARY  
) RESPONSE ACTION PLAN

excavations will be made in the areas where the cover system has been placed without written approval from the Department.

3. The cover system will be routinely (at least once monthly, as snow cover allows) inspected by the property owners to observe erosion or damage. Any damage to the cover system will need to be immediately repaired by the property owners.
4. A copy of this certificate for the site by the Penobscot River to the east, the Barrett Paving property to the south, Main Street to the west, and Railroad Street to the north, and identified on Bangor Tax Map 43 as Lot 40, shall be recorded at the Penobscot County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

DONE AND DATED AT AUGUSTA, MAINE, THIS 9<sup>th</sup> DAY  
OF October, 2002.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: David Lennett  
David Lennett, Director, Bureau of Remediation  
& Waste Management

STATE OF MAINE  
KENNEBEC, ss.,

October 9<sup>th</sup>, 2002

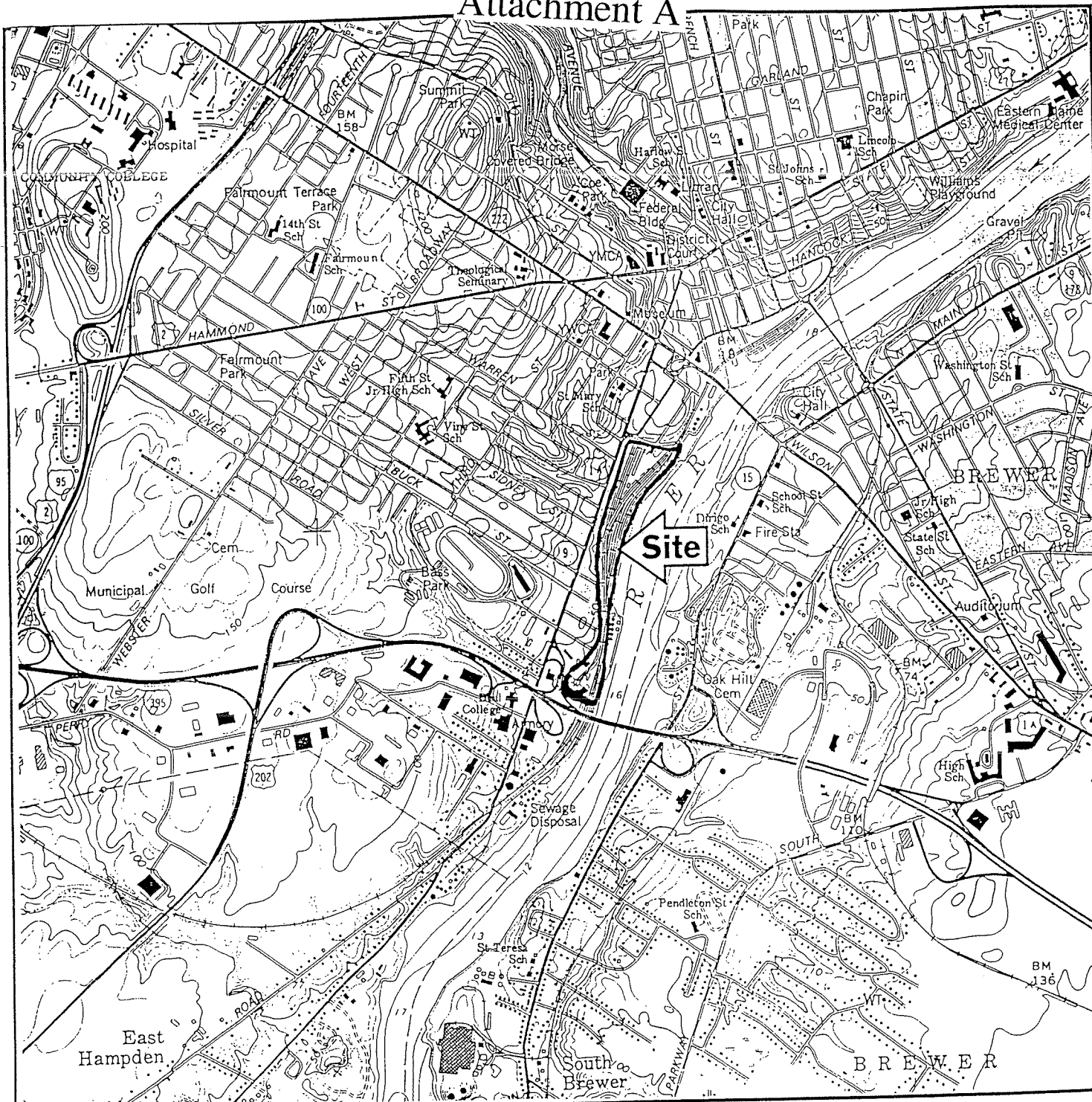
Then personally appeared the above-named David Lennett, Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection and duly authorized delegee for the Commissioner, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of the Department of Environmental Protection.

Before me,


Laura L. Gay  
Notary Public 9/20/08  
Laura L. Gay  
(Print Name)

This Order was prepared by Nicholas J. Hodgkins, Bureau of Remediation & Waste Management.

# Attachment A



SOURCE: USGS Bangor, ME Quadrangle Map.

<b>TITLE</b> Site Location Map Maine Central Railroad Yard Bangor, Maine		
<b>PREPARED FOR</b> ME CENTRAL RAILROAD	<b>DATE</b> 6/11/96	<b>FIGURE</b> 1
	<b>DWG NO.</b>	<b>PROJECT NO.</b> 536-05
<b>PREPARED BY</b>  <b>ERM-New England</b> 19 Commercial Street Portland, ME 04101		<b>SCALE</b> 1:24000'
		<b>SIZE</b>