



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

DEPARTMENT ORDER

IN THE MATTER OF

| | | |
|----------------------------------|---|------------------------------|
| CITY OF PORTLAND |) | COMMISSIONER'S CERTIFICATION |
| ATTN: GREG MITCHELL |) | OF COMPLETION OF REMEDIAL |
| DIRECTOR OF ECONOMIC DEVELOPMENT |) | ACTIONS UNDER A VOLUNTARY |
| 389 CONGRESS STREET |) | RESPONSE ACTION PLAN |
| PORTLAND, ME 04101 |) | |

FILE COPY

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 the former Lucas Tree site located at 636 Riverside Street in Portland, and is identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003. The site is 40.85 acres in size. A map of the property is included as Attachment A.
2. The property use in the area is mixed residential and commercial.
3. A Phase I Environmental Site Assessment (ESA), a Phase II ESA, and a Supplemental Phase II ESA were prepared by Tewhey Associates ("Tewhey") in September and December of 2005 and January 2008, respectively, with funding from the City of Portland's Municipal Brownfields Program. These reports identified two areas requiring remedial actions: the spent sand blast grit area and the former greenhouse area.
4. In July 2010, Ransom Environmental Consultants, Inc. ("Ransom") directed remedial activities on the property. Under Ransom's direction, soils were removed from both areas of contamination and loaded on trucks for appropriate disposal. The spent sand blast grit area was cleaned to a visual standard, as earlier sampling had demonstrated that contamination was directly related to the easily identified black sand blast grit. The former greenhouse area was excavated to a standard 2 feet below grade level, based on earlier sampling results for the contaminant of concern, arsenic. Post excavation sampling demonstrated that soils had been cleaned up to typical background in 5 of the 6 samples, with one sample area having a higher level. Given that the bulk of the contaminated soil volume was removed from this area, the actual risk from this small hotspot area is low, and additional remedial action will not be necessary. A total of 296.74 tons of arsenic contaminated soils and spent sand blast grit were excavated from the property and sent to Commercial Paving and Recycling in Scarborough, Maine for recycling. The remedial actions are documented in a letter report dated August 23, 2010 and submitted by Ransom entitled "Lucas Tree Site, 636 Riverside Street, Excavation and Remediation Activities".

CITY OF PORTLAND
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CONCLUSIONS

1. The City of Portland, as an applicant, has submitted a Voluntary Response Action Plan application to the Commissioner pursuant to 38 M.R.S.A. § 343-E for the property located at 636 Riverside Street in Portland, Maine which is identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003 .
2. Site assessments conducted at the site included investigations and reports that adequately identified the nature and extent of contamination associated with identified sources at the property.
3. Actions addressing identified contamination on the property have been completed. These actions included the removal of arsenic contaminated sand blast grit and soils associated with a former greenhouse.
4. Provided the City of Portland, as applicant, 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 releases, or threatened releases, if they exist at the site, that are not required to be removed under the VRAP.

THEREFORE, pursuant to 38 M.R.S.A. § 343-E(5), Mark Hyland, 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 at the property located at 636 Riverside Street in Portland, Maine, identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003, and further described in Book 27870, Page 299, at the Cumberland County Registry of Deeds. Upon issuance of this CERTIFICATE, the City of Portland, as applicant, 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) and (5). 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 future installation of potable wells on the property is prohibited without prior written permission from the Department.
2. Use of the property shall be limited to industrial, commercial, municipal and other non-residential uses and not be residential without prior written permission of the Department.
3. A copy of this certificate for the property located at 636 Riverside Street in Portland shall be recorded at the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

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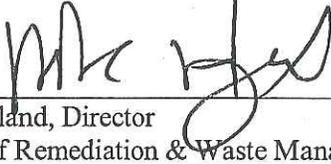
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4. A Declaration of Environmental Covenants, as defined in 38 M.R.S.A. § 3001 et seq., that is consistent with this Certificate and acceptable to the Department must be prepared and recorded at the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

DONE AND DATED AT AUGUSTA, MAINE, THIS 30TH DAY OF AUGUST 2010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:



Mark Hyland, Director
Bureau of Remediation & Waste Management

STATE OF MAINE
KENNEBEC, ss.,

August 30th, 2010

Then personally appeared the above-named Mark Hyland, 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,


Notary Public

Laura L. Gay
(Print Name)

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

