



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

GOVERNOR

DAVID P. LITTELL

COMMISSIONER

December 3, 2010

Paul Larochele, President
Prime Tanning-Hartland
9 Main Street
Hartland, Maine 04943

Mark Kehaya, Managing Member Executive Director
The Fund of Jupiter LLC
1061 E. Indiantown Road, Suite104
Jupiter, Florida 33477

Keith Trefethen, Manager
Town of Berwick
PO Box 696
Berwick, Maine 03901

Re: Prime Tanning, Berwick-No Action Assurance Letter

Dear Mr. Larochele, Kehaya, and Trefethen:

The Maine Department of Environmental Protection (hereinafter the Department) has received your application for the Prime Tanning Company Site, located at 20, 29, 34 & 35 Sullivan Street in Berwick to participate in the Voluntary Response Action Program (VRAP). We have reviewed the Ransom Environmental Phase 1 environmental site assessment report (ESA) dated August 2, 2010 and the St Germain Collins Environmental Consulting Group Phase II ESA report dated October 15, 2010 for this site, along with supporting documentation. Based on this information, you have requested that the applicants to the VRAP receive the protections from Department enforcement actions provided by the VRAP Law

The site has been an industrial/manufacturing property since 1877 and was most recently operated as a leather tanning and processing complex. Historically the site facility was operated as a wool pulling works facility, a sash and door manufactory, a reed manufactory, a carriage manufactory, an oil company, a laundry facility, a shoe factory, and a lumber company. As a result of site investigations and assessments at the property in 2010, six areas of concern (AOCs) and seven recognized environmental conditions (RECs) were identified---see attached Figure 2. These areas of concern and RECs are discussed in detail in the St Germain Phase II ESA report.

Remedial activities have occurred at the site including the removal and disposal of 400 tons of leather waste from the site—Area 3 in 2009. In addition, the site went through RCRA closure in 2009 as well

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

Based on the information presented in the ESA reports, the Department concurs with St Germain's recommendations for additional actions to be taken onsite as part of the redevelopment of the site. These recommendations along with additional input from VRAP are discussed below:

1. A soil management plan (SMP) to include/address worker health and safety issues, and the disposal, recycling/reuse and/or appropriate cover of contaminated soil or waste materials such as buried leather scrap, must be developed and then approved by MEDEP prior to excavation and/or building foundation/slab demolition work in Areas 1, 2, 3 & 6. (An appropriate cover system must consist of a cover/marker layer and at least 12" of clean fill or a DEP-approved impervious layer over the area of concern).
2. For soil excavation and/or building foundation slab demolition/removal activities planned for AOCs 1, 2, 3, or 6, the Department must be notified beforehand. Exposed soils must be inspected by a qualified environmental professional for evidence of release (e.g. staining, odor, etc.), especially near the floor drains and other conduits that penetrate the foundation. If contamination is suspected or confirmed, MEDEP should be notified, and additional sampling, characterization, and remediation activities (removal/disposal, cover, deed restrictions, etc) may be necessary. Plans for such activities should also be approved by MEDEP beforehand.
3. Groundwater extraction shall be prohibited without the written permission of the VRAP. It is understood that public water will be supplied to the property if future redevelopment requires water.
4. If a new building(s) is planned to be constructed in AOC 1, 2, 3), then a vapor management system to prevent the potential migration of petroleum and VOC vapors into the structure, must be developed and approved by the Department. Plans for such system must be developed and stamped by a Maine Certified Professional Engineer. If existing buildings are to remain in place, indoor air quality sampling must be conducted and results must comply with current appropriate regulatory guidelines/standards for the proposed reuse of the building. If indoor air samples do not meet appropriate regulatory guidelines, a remedial plan must be submitted to the VRAP for review and approval and remedial measures must be implemented prior to commencing use of such building for the intended purpose.
5. Additional investigation is necessary to determine if the PCE contamination detected onsite is migrating offsite and impacting receptors.
6. Additional investigation and remediation may be necessary for the property to be used for residential use.

7. If building demolition/renovation activities are to be conducted onsite, building construction materials must be handled and disposed of appropriately (ie asbestos containing materials, etc.).
8. A Declaration of Environmental Covenants consistent with the final Certificate of Completion or No Further Action letter that is acceptable to the Department, must be prepared and recorded at the York County Registry of Deeds. A copy of the recorded final DEP letter and DEC document must be supplied to the Department.

Provided that the recommendations and/or remedial actions are completed as outlined in the above and to the satisfaction of the Department, the applicants (Prime Tanning/Mr. Larochelle, The Fund of Jupiter LLC/Mr. Kehaya, and the Town of Berwick/Mr Trefethen) 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 20, 29, 34 & 35 Sullivan Street in Berwick, identified as Lots 95, 130, 133, & 146 on Berwick Tax Map U-4, and described in Book 6707 Page 302 (Lot 95), Book 2157 Page 637 (Lot 130), Book 2611 Page 246 (Lot 133), Book 2045 Page 638 (Lot 133), and Book 1522 Page 235 (Lot 146) of the York County Registry of Deeds. The Department will take no action against (Prime Tanning/Mr. Larochelle, The Fund of Jupiter LLC/Mr. Kehaya, and the Town of Berwick/Mr Trefethen) and those persons identified in 38 M.R.S.A. § 343-E(6).

Once the proposed and DEP-approved recommended remedial measures for the property are satisfactorily completed, a report demonstrating the successful implementation of the tasks should be forwarded to the VRAP for review. Upon determining successful conclusion of the remedial tasks, the Department will issue to Prime Tanning/Mr. Larochelle, The Fund of Jupiter LLC/Mr. Kehaya, and the Town of Berwick/Mr Trefethen, a Commissioner's Certificate of Completion or No Further Action letter.

If you have any questions, please call me at 207-287-4853.

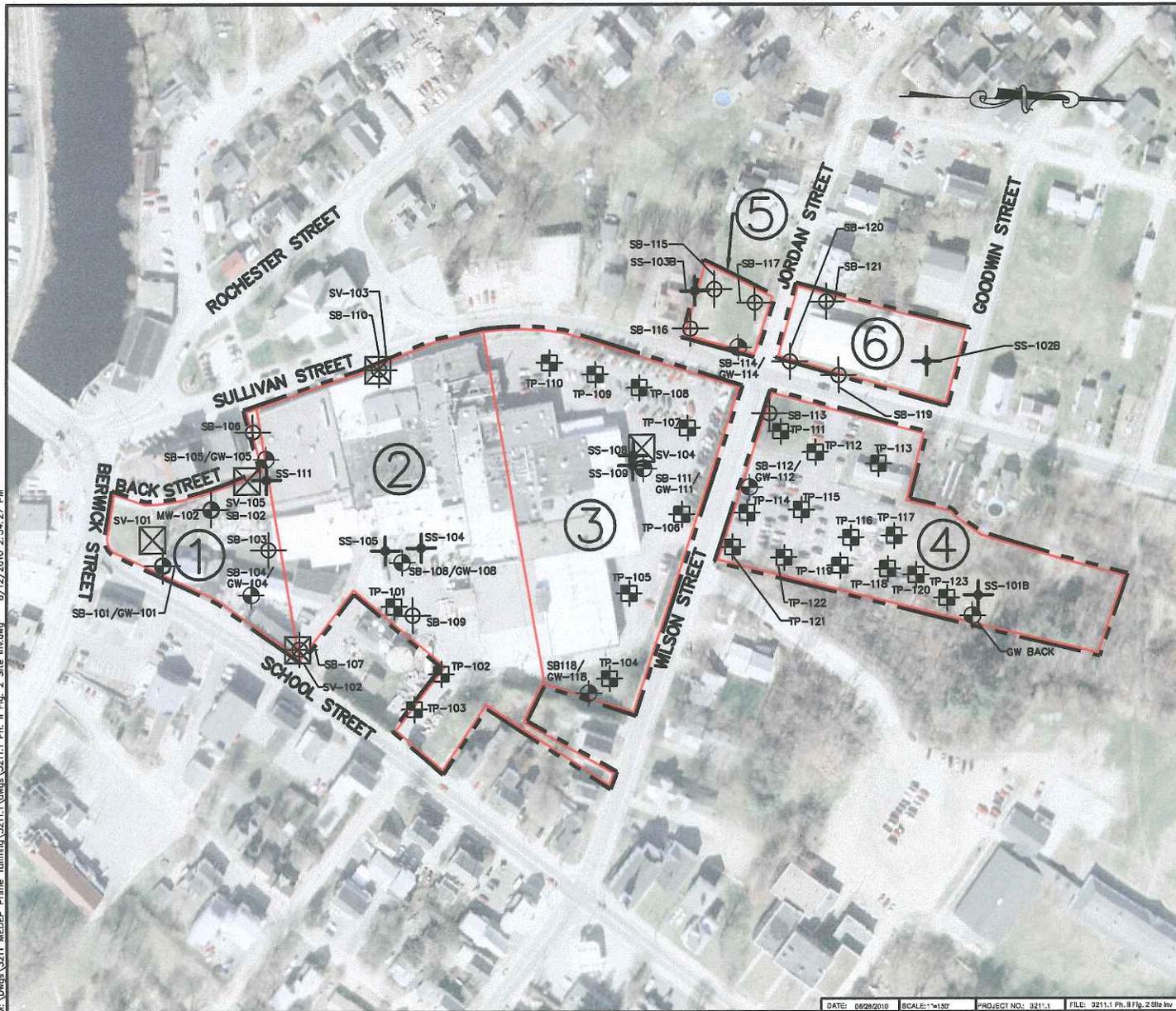
Sincerely,



Gordon Fuller,
Oil and Hazardous Materials Specialist
Division of Remediation
Bureau of Remediation and Waste Management

cc: Nick Hodgkins, Jean Firth--MEDEP

M:\Dwg\3211_MEDEP_Prime_Tanning\3211.dwg, 3/21/11 Ph. II Fig. 2 Site Inv.dwg 8/12/2010 2:54:27 PM



LEGEND:

- SITE BOUNDARIES (APPROXIMATE)
- SOIL BORING/TEMPORARY MONITORING WELL LOCATION
- SOIL BORING LOCATION
- TEST PIT LOCATION
- SOIL VAPOR SAMPLE
- SHALLOW SOIL SAMPLE

AREAS OF CONCERN:

- AOC (AREA OF CONCERN)

REFERENCE:

1. AERIAL PHOTOGRAPH DATED BETWEEN MARCH 2003 AND JUNE 2005 OBTAINED FROM MAINE GIS.

150 0 75 150 300
SCALE IN FEET
1"=150'

SITE INVESTIGATION
DRAFT PHASE II ENVIRONMENTAL SITE ASSESSMENT
PRIME TANNING COMPANY
SULLIVAN STREET
BERWICK, MAINE

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
BROWNFIELDS PROGRAM
17 STATE HOUSE STATION
AUGUSTA, ME 04330

ENVIRONMENTAL CONSULTING GROUP
St. Germain • Collins

FIGURE 2

DATE: 08/28/2010 SCALE: 1"=150' PROJECT NO: 3211.1 FILE: 3211.1 Ph. II Fig. 2 Site Inv

846 MAIN ST., SUITE 3 WESTBROOK, ME 04092 TEL: 207-591-7000 WWW.STGERMAINCOLLINS.COM