



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

March 28, 2022

Old Belfast Bank, LLC
ATTN: Earl MacKenzie
PO Box
Islesboro, ME

Re: Em-Bee Cleaners Site, 126 Church Street, Belfast, Maine
No Action Assurance Letter - Voluntary Response Action Program

Dear Sirs:

The Maine Department of Environmental Protection ("Department") has reviewed your application to the Department's Voluntary Response Action Program ("VRAP"). The application and associated reports were submitted to the Department with the request that the property referred to as "Em-Bee Cleaners" in the Department's VRAP records (#REM01891), located at 126 Church Street in Belfast, identified on the City of Belfast's Tax Map 11 as Lot 183, further described in Book 3506, Page 115, at the Waldo County Registry of Deeds ("Site"), participate in the VRAP, and Old Belfast Bank, LLC ("Applicant"), as applicant to the VRAP, receive the protections provided by the *Voluntary Response Action Program* law, 38 M.R.S. § 343-E (1993).

Department staff has reviewed the following reports and supporting documents for the Site (hereinafter collectively referred to as the "Reports"):

- "Soil Vapor Extraction Pilot Test Memorandum, Em-Bee Cleaners, 126 Church Street, Belfast, Maine," prepared by Acadia Environmental Technology, dated July 19, 2010.
- "Phase I Environmental Site Assessment, Em-Bee Cleaners, 126 Church Street, Belfast, Maine," prepared by MACTEC Engineering and Consulting, Inc., dated January 7, 2011.
- "Em-Bee Cleaners Trip Reports and File Memos," prepared by MEDEP, dated April 28, 2016 and June 23, 2016.
- "Exit Strategy Letter, Former Em-Bee Cleaners, 126 Church Street, Belfast, Maine," prepared by MEDEP, dated August 26, 2016.
- "Phase I Environmental Site Assessment, Em-Bee Cleaners, 126 Church Street, Belfast, Maine," prepared by Ransom Consulting, LLC, dated May 8, 2018.
- "Draft of Closure Report: In-situ Remediation for MEDEP Hazardous Waste Closure, Former Em-Bee Cleaners, 126 Church Street, Belfast, Maine," prepared by GEO Environmental Remediation Company, dated March 23, 2021.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
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
(207) 764-0477 FAX: (207) 760-3143

- “Memorandum, Review Comments and Recommendations of Draft Closure Report, In-Situ Remediation for Maine DEP Hazardous Waste Closure, Former Em-Bee Cleaners Site, 126 Church Street, Belfast, Maine,” prepared by MEDEP Bureau of Remediation and Waste Management, RCRA Corrective Action Program, dated May 20, 2021.
- “Draft of Closure Report: In-situ Remediation for MEDEP Hazardous Waste Closure, Former Em-Bee Cleaners, 126 Church Street, Belfast, Maine,” prepared by GEO Environmental Remediation Company, dated December 3, 2021.
- “Hazardous Waste Generator Closure Certification, Conditional Acknowledgement Letter, Former Em-Bee Cleaners, 126 Church Street, Belfast, EPA ID# MED981064512, Maine DEP Remediation Site Number REM01891,” prepared by MEDEP Bureau of Remediation and Waste Management, RCRA Corrective Action Program, dated December 29, 2021.
- “Redevelopment Letter, Former Em-Bee Cleaners, 126 Church Street, Belfast, MEDEP Remediation Site Number REM01891,” prepared by MEDEP Bureau of Remediation and Waste Management, RCRA Corrective Action Program, dated December 29, 2021.
- “Conceptual Remedial Action Plan (RAP), Former Em-Bee Cleaners Property, 126 Church Street, Belfast, Maine,” by Ransom Consulting, LLC, dated February 28, 2022.

The Site consists of one (1) lot, measuring 0.09 acres in size, that was originally developed with a residential structure prior to 1884. Between 1884 and 1890, a second structure was constructed on the property that operated as a clothing factory, then as a dining facility, until 1901. Both buildings were demolished between 1901 and 1912 and a three-story wood framed structure was constructed. This building operated as a clothing manufacturing company until the early 1930's, and was subsequently operated as a hardware store, manufacturing padlocks, until the late 1940's. Between 1948 and 1956, the lower floors of the Site building were converted into a dry-cleaning facility, which remained operating until 2010. The Site building was demolished in 2022. In addition, the reports also suggest that the Site building may have operated as a printing business at some point in the building's history, however, the dates for that operation are unknown. The Site is located in a primarily commercial area of downtown Belfast, however, both commercial and multi-unit residential properties are located nearby. The proposed future development of the Site includes residential use.

The 2011 Phase I Environmental Site Assessment (ESA) documented the following Recognized Environmental Conditions (RECs):

- Levels of tetrachloroethene (PCE) and trichloroethene (TCE) in the soil gas and indoor air of the former Site building exceeded the Residential Scenario of the *Maine Remedial Action Guidelines (RAGs) for Sites Contaminated with Hazardous Substances*, dated January 13, 2010 (2010 RAGs), which were the applicable guidelines in place at the time of this investigation.
- Dark staining on the basement floor of the former Site building associated with potential fuel oil contamination which is likely due to a No. 2 fuel oil spill or chronic leak;
- Potential metal and dye contamination on-Site related to the historical use of the Site for the assembly of hardware and manufacturing of padlocks, as well as the reported use of the Site for printing.

Between 2011 and 2021, the prior owner of Site completed supplemental Site investigations and remedial actions including the installation of a soil vapor extraction (SVE) system in April 2016 to treat the previously identified chlorinated solvent contamination (PCE and TCE) at the Site. In 2021, the prior owner also completed a hazardous waste closure certification in accordance with the MEDEP Chapter 851 Hazardous Waste Management Rules.

The 2018 Phase I ESA documented the following RECs:

- Documented PCE contamination of soils and/or soil vapor beneath the former Site building associated with the former operation of the dry-cleaning facility. The SVE system was installed in the Site building in April 2016 to mitigate the identified PCE contamination. The DEP detailed an exit strategy in August 2016 to obtain regulatory closure and the SVE system was shut down in August 2017. The prior owner did not provide any additional operational and/or post-closure shutdown sampling data to the DEP to support regulatory closure of the Site.
- Potential unknown and/or undocumented fuel oil release(s) associated with the observed staining in the basement of the Site building, in the vicinity of the former boiler.

On December 3, 2021, the prior owner completed a Draft Hazardous Waste Closure Report and submitted this report to the Department for review. On December 29, 2021, the Department issued a Conditional Acknowledgement Letter for Hazardous Waste Generator Closure Certification with the following conditions for the generator closure:

- Installation of a vapor barrier capable of mitigating vapor intrusion of contaminants of concern as noted in the Draft of Closure Report.
- Installation of sub-slab piping capable of being used as a sub-slab depressurization; system (SSDS) if indoor air monitoring detects contaminants of concern, as noted in the Draft of Closure Report, above the Maine Remedial Action Guidelines (RAGs) exposure criteria for the residential use scenario.
- A post-construction indoor air sample for the contaminants of concern as noted in the Draft of Closure Report.
- Activation of the SSDS if the indoor air results warrant activation.
- A Declaration of Environmental Covenant (DEC) covering the needs of the RCRA (Resource Conservation and Recovery Act) hazardous waste generator closure and VRAP (Voluntary Response Action Program) that meet the universal environmental covenants act (UECA).

No recognized environmental conditions other than those described in the Reports were reported to the Department in the Applicant's VRAP application.

Based on the information presented in the Reports and Ransom Consulting, LLC's recommended actions, the Department proposes the following actions for the Site:

1. Implement the Department reviewed and approved Conceptual Remedial Action Plan for the Site, dated February 28, 2022.

2. Submit an environmental media management plan (EMMP) to the Department for review and approval prior to any soil disturbance activity and implement the approved EMMP. The Plan must address the procedures that need to be taken for the proper on-Site and off-Site management and disposal of contaminated soils and groundwater identified at the Site. The EMMP must address identification and/or characterization of potentially contaminated soils, procedures for leaving impacted soils in place, installing/maintaining cover systems, off-Site disposal of soil, stockpiling, best management practices, approved-cover systems, groundwater management and disposal, health and safety, etc. Soil may not be moved off-Site without the express written permission of the Department.
3. Submit a plan, subject to Department review and approval, to install a vapor barrier and a sub-slab depressurization system at the Site and install and effectively operate the approved system.
4. A Declaration of Environmental Covenants, in accordance with the Maine *Uniform Environmental Covenants Act*, 38 M.R.S. §§ 3001–3013 (2005), incorporating conditions of approval contained in any future VRAP Certificate of Completion (“COC”), and that is subject to Department review and approval, must be executed for the Site and must be recorded at the Waldo County Registry of Deeds. A copy of the recorded Declaration of Environmental Covenants must be supplied to the Department’s VRAP within thirty (30) days of being recorded. Provided that the actions proposed above are completed to the satisfaction of the Department, the DEC is anticipated to include:
 - a. The extraction of groundwater at the Site is prohibited without the express written permission of the Department.
 - b. Soils that are currently located in situ at the Site and soils that may be disturbed during redevelopment of the Site must be managed according to a Department-approved environmental media management plan and may not be moved off-Site without the express written permission of the Department. In order to limit potential dermal and oral contact with soil, the plan must include provisions for maintaining Department-approved cover systems.
 - c. New buildings constructed at the Site must include a Department-approved vapor barrier that is installed in accordance with manufacturer’s specifications and a sub-slab depressurization system that is effectively operated unless the express written permission of the Department is obtained to exclude such a system from the design of a new building or to terminate operation of such a system once installed.

Provided that these activities are completed to the satisfaction of the Department, the Applicant, their successors, assigns and/or affiliates, and the persons qualified for protection under in 38 M.R.S. § 343-E(6), will be granted the liability protection provided by 38 M.R.S. § 343-E for the Site, except that the protection from liability conferred by the VRAP will not be granted to or

assignable to any person, entity, or government agency that caused or is otherwise responsible for a release of petroleum, hazardous wastes, or hazardous substances at the Site or that has a Hazardous Waste Generator Closure obligation associated with the Site. This protection from liability will be limited to the matters addressed by and identified by the Reports, including the extent and concentration of existing contamination by petroleum and/or hazardous constituents described in the Reports, and will be subject to the qualifications and conditions set forth in any future VRAP COC and in 38 M.R.S. § 343-E. VRAP liability protections under 38 M.R.S. § 343-E do not limit the Department's enforcement authorities for non-compliance with other laws administered by the Department.

Once actions 1 – 3 above are satisfactorily completed, a report demonstrating the successful implementation of the tasks must be forwarded to the VRAP for review. Upon determining successful conclusion of the remedial tasks, the Department will issue to the Applicant a Commissioner's COC for the Site. The COC must be recorded at the Waldo County Registry of Deeds and a copy of the recorded COC must be provided to the Department.

If you have any questions regarding this letter, please feel free to contact me by email at becky.blais@maine.gov, by regular mail at the Augusta address in the letterhead, or by phone at (207) 287-7688.

Sincerely,



Becky Blais
Maine Department of Environmental Protection
Voluntary Response Action Program

cc: Patrick Brown/Peter Sherr, Ransom Consulting, LLC
Lee Woodward Jr., Woodward Law Offices
Nick Hodgkins, Department VRAP Coordinator