

Planning file copy.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

*603-11-001st.
34 Moody St.*

August 2, 2012

Seth Parker
Avesta Housing Development Corporation
307 Cumberland Avenue
Portland, Maine 04101

Mark Reese
City Manager
City of Portland
389 Congress Street, Room 208
Portland, Maine 04101

Re: Park Redevelopment at the Former Marada Adams Community School, Moody Street,
Portland: Voluntary Response Action Program- No Action Assurance Letter (revised to
include the City of Portland as a co-applicant).

Dear Mr. Parker and Mr. Reese:

The Maine Department of Environmental Protection (Department) has received and reviewed an application submitted in March 2012, by your consultant Credere Associates, LLC (Credere) to the Department's Voluntary Response Action Program (VRAP) for a park redevelopment at the former Marada Adams Community School property located on Moody Street in Portland, Maine (the site). The following reports were compiled for the larger former Marada Adams Community School property (which includes the site) as part of the Greater Portland Council of Government's (GPCOG) Brownfields Program and were reviewed along with this application: A Phase One Environmental Site Assessment Update dated October 14, 2010 prepared by SW Cole Engineering, Inc.; a Building Materials Survey Summary Report prepared by Credere Associates dated February 11, 2011; An Underground Storage Tank Closure Summary Letter prepared by Credere dated February 16, 2011, A Phase II Environmental Site Assessment, Former Marada Adams Community School Report dated September 9, 2011 prepared by Credere Associates; as well as a Voluntary Response Action Program Work Plan for the site dated May 24, 2012, also prepared by Credere Associates. The application was submitted to the Department with the request that the site participate in the VRAP and that Avesta Housing Development Corporation (Avesta) and the City of Portland, Maine, as the applicant and co-applicant to the VRAP, receive the protections provided by the VRAP Law.

The site is comprised of five parcels of land totaling 0.61 acres in a residential area. The larger former Marada Adams Community School property (which includes the site) has been used for

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(207) 287-7688 FAX: (207) 287-7826
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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 04679-2094
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the following activities: residences, a trolley line, an automobile garage, the Burgess, Forbes & Co. White Lead & Color Works and most recently a school. The site and surrounding former school property are currently vacant. The October 14, 2011 Phase I investigation identified the past industrial uses and historical releases of petroleum from former underground storage tanks as historic recognized environmental conditions (REC). This report identified petroleum contaminated soil detected in borings in 2009 as the only current REC. The Phase II investigation concluded that there is soil contaminated with hazardous substances located on the site as well as hazardous building materials. The building has subsequently been demolished and building materials have been removed from the site and disposed of by Avesta.

Based on the information presented in the above listed reports, the Department agrees with the following recommended actions proposed in the work plan:

- 1) Contaminated soils that are disturbed during redevelopment of the site will be managed according to the approved May 24, 2012 Work Plan and appended Soil Management Plan (SMP). Contaminated soils that are currently located *in situ* at the site, or contaminated soils that are removed and replaced onsite during the course of the redevelopment will be covered with a marker layer and a minimum of 12 inches of clean fill, or will be covered with a minimum of 6 inches of clean sand and gravel and approximately 3 inches of asphalt, brick pavers, or other similar material. If excess soil is generated that cannot be re-used onsite the material will be disposed at an appropriate facility.
- 2) A deed restriction will be recorded at the Cumberland County Registry of Deeds that prohibits excavation of properly covered contaminated soils onsite and withdrawal of groundwater without notification of the Department. This restriction will be placed as Declaration of Environmental Covenants consistent with this letter and acceptable to the Department.

Provided that the actions described above are completed to the satisfaction of the Department, Avesta Housing Development Corporation and its successors and/or assigns, and the City of Portland Maine, will be granted the liability protection provided by 38 M.R.S.A. § 343-E(1) for the site located on Moody Street, in Portland, Maine identified as Lots M-1, M-2, M-6, M-7, and P-1 on Portland Tax Map 003. The Department will take no action against Avesta Housing Development Corporation, its successors and assigns, the City of Portland, Maine, and all those persons identified in 38 M.R.S.A. § 343-E(6).

Once the proposed and recommended remedial measures at the site have been implemented to the satisfaction of the Department, a report demonstrating the successful completion of the tasks must be forwarded to the VRAP. A report may be submitted when all of the remedial activities have been completed for the entire site or in stages as portions of the site are remediated and ready for redevelopment. Upon determining successful conclusion of the remedial tasks, the Department will issue a Commissioner's Certificate(s) of Completion for those portions of the

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site that have been completed to Avesta Housing Development Corporation and the City of Portland, Maine.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon Fuller". The signature is fluid and cursive, with the first name being more prominent.

Gordon Fuller
Voluntary Response Action Program
Division of Remediation

cc: Jedd Steinglass, Credere
Maurice Selinger, Curtis Thaxter