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Date: 04/11/17

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

April 18, 2014

India Newbury Residences LLC
c/o Gordon Reger
2730 Transit Road
West Seneca, NY 14224

Re: Sixty-Two India, 62 India Street, Portland, Maine
No Further Action Assurance Letter - Voluntary Response Action Program (VRAP)

Dear Mr. Reger:

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 Sixty-Two India property, located at 62 India Street, Portland, Maine ("Site") participate in the VRAP and India Newbury Residences LLC ("Applicant"), as applicant to the VRAP, receive the protections provided by the VRAP Law.

The Site is approximately 0.2533 acres in size and has been developed since the mid 1800's. Since approximately 1980, the entire Site has been covered with pavement and utilized as a parking lot. Although there are not currently any structures on the site, historical uses have included a paint shop, a junk shop, an automotive garage, and a gasoline station. The proposed future development of the site includes mixed commercial and residential use.

DEP staff has reviewed the following reports and supporting documents for the Site ("The Reports"):

- VRAP Application dated January 30, 2013
- Phase I Environmental Site Assessment Report, 62 India Street Site, Portland, Maine, February 2014, Drumlin Environmental, LLC
- Phase II Site Investigation Program, 62 India Street Site, Portland, Maine, February 2014, Drumlin Environmental, LLC
- Phase II Site Investigation Report, 62 India Street Site, Portland, Maine, March 2014, Drumlin Environmental, LLC

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The Reports document the collection of soil, groundwater, and soil vapor samples in areas of the Site including: the former location of underground storage tanks ("USTs") used to store and dispense gasoline, the area of the former junk shop, the area of the former paint shop, and the area of the former automotive garage. The Reports document that Urban Fill exists throughout the Site and that soil at the Site is impacted with polycyclic aromatic hydrocarbons ("PAHs"), lead, arsenic, and petroleum compounds above the Department's residential and commercial soil contact guidelines. The applicant proposes to manage Site soils in accordance with a Department approved soil management plan that requires Department approval before soil is moved on-site or removed from the site. The soil management plan also provides for maintenance of the current paved surface and provisions for restricting contact with contaminated soils in any future redevelopment of the Site.

The Site and surrounding properties are served by a public water supply and the Site is located in downtown Portland in an urban groundwater non-attainment area as defined by the Petroleum Guidelines. Although the Reports document that soils at the Site exceed the Department's leaching to groundwater guidelines for lead and several petroleum compounds and that groundwater at the Site is contaminated with petroleum compounds above the Maine Maximum Exposure Guidelines, the risk for exposure to potentially contaminated ground water at the site is negligible provided that use of ground water is restricted via a Declaration of Environmental Covenant.

The Reports also document that soil vapor in the former gasoline UST area of the Site is impacted by petroleum hydrocarbons above the Department's residential and commercial soil gas targets. The risk for exposure to contaminated soil vapors will be reduced by installing and maintaining a sub-slab vapor barrier and active sub-slab depressurization system in any buildings constructed at the Site in the future.

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, the Department considers no further investigations or remedial actions are necessary at the property at this time, provided the conditions of approval listed in paragraphs 1 – 6 below are followed:

1. The extraction of groundwater at the site is prohibited without the express written permission of the Department.

2. Soils that may be disturbed during redevelopment of the site must be managed according to a Department-approved soil management plan and must not be moved on or off-site without the express written permission of the Department. In order to minimize soil disturbance and limit potential dermal and oral contact with soil, either the existing paved area at the site must be maintained or future development must provide for an appropriate cover. The approved soil management plan is attached to this letter.

3. Any new buildings constructed at the site must include a sub-slab vapor barrier and active sub-slab ventilation system.

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4. A Declaration of Environmental Covenants that incorporates conditions 1 through 3 above must be prepared and recorded. A copy of the recorded document must be supplied to the Department.

5. The limits of liability conferred by the VRAP are not assignable to any person or government agency that caused or is otherwise responsible for a release of petroleum or hazardous substances at the site.

6. A copy of this document shall be recorded at the Cumberland County Registry of Deeds for the property located at 62 India Street, Portland, Maine, identified on Map 28, Block P, Lots 8, 9, 19, and 20 at the City of Portland's Assessor's Office, and further described in **Book 25816, Page 54** of the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

The VRAP's evaluation of the environmental risks present at the site was based on the conditions listed above. Prior to undertaking any activity or land use that would alter the conditions of approval listed above, applicant India Newbury Residences LLC, its successors, assigns or affiliates must obtain the VRAP's written approval and must obtain the Department's written consent to amend or terminate the Declaration of Environmental Covenant described above, if needed to complete the proposed activity.

Therefore, the Applicant is granted the liability protections provided pursuant to Title 38 M.R.S.A. § 343-E.

The VRAP will not require further remedial actions by the Applicant, or their successors, assigns and/or affiliates, and all of those persons identified in 38 M.R.S.A. § 343-E(6), provided that a copy of this letter for the property located at 62 India Street, Portland, Maine, identified on Map 28, Block P, Lots 8, 9, 19, and 20 at the City of Portland's Assessor's Office, and further described in **Book 25816, Page 54** of the Cumberland County Registry of Deeds, is recorded with the Cumberland County Registry of Deeds, and that the VRAP applicant prepare and record a Declaration of Environmental Covenants consistent the Maine Uniform Environmental Covenants Act and this letter and acceptable to the Department. Copies of the recorded documents shall be provided to the Department's VRAP.

It should be understood that the VRAP liability protections under 38 M.R.S.A. § 343-E are limited to investigation and cleanup liability as provided in that law and to the environmental conditions addressed by the Reports, and issued based on the conditions established in 38 M.R.S.A. § 343-E. VRAP liability protections under 38 M.R.S.A. § 343-E do not limit the Department's enforcement authorities for non-compliance with other laws administered by the Department, including lead abatement and asbestos regulations.

If you have any questions regarding this letter, please feel free to call Chris Redmond of my staff at 207-287-3545.

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Sincerely,

Melanie Loyzim
Director
Bureau of Remediation & Waste Management

Attachment: Soil Management Plan, 62 India Street Site, Portland, Maine

cc: Richard Fortin, Drumlin Environmental, LLC
Nick Hodgkins, MEDEP VRAP Coordinator

STATE OF MAINE
KENNEBEC, ss.,

April 22, 2014

Then personally appeared the above-named Melanie Loyzim, 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 her free act and deed, and the free act and deed of the Department of Environmental Protection.

Before me,

Notary Public

Margaret L. O'Connor
(Print name) Notary Public • Maine
My Commission Expires January 11, 2017

My commission expires:_____

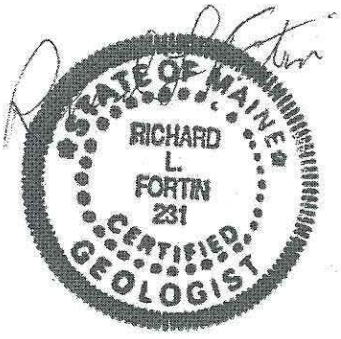
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SOIL MANAGEMENT PLAN
62 INDIA STREET SITE
PORTLAND, MAINE

APRIL 2014

prepared for

India Newbury Residences, LLC
c/o Reger Holdings, LLC
2730 Transite Road
West Seneca, NY 14224



prepared by

Drumlin Environmental, LLC
97 India Street
P. O. Box 392
Portland, Maine 04112-0392
(207) 771-5546

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SOIL MANAGEMENT PLAN
62 INDIA STREET SITE
PORTLAND, MAINE

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SOIL MANAGEMENT PLAN
INDIA NEWBURY RESIDENCES LLC
SIXTY-TWO INDIA STREET SITE
PORTLAND, MAINE

1.0 INTRODUCTION

Purpose. Based on a Phase II Site Investigation completed and reported to the Maine Department of Environmental Protection (MDEP) in March 2014, contaminated urban fill and native deposits have been identified at the Sixty-Two India Street site located in Portland, Maine. In the event that these contaminated materials are encountered or otherwise disturbed during future construction or excavation activity, it is necessary to have established procedures in place to assess the contamination and to safely handle, manage and/or disposal of the contaminated material. Any persons (i.e., owners, contractors, employees, residents or other persons) engaged in excavation or other subsurface-disturbing activities at the site are required to follow the provisions of this plan.

This plan was developed as one of the obligations of the property owner, India Newbury Residences LLC, in order to receive liability protections provided through the MDEP as part of the owner's participation in the Voluntary Response Action Program (VRAP) and receipt of a No Further Action Assurance Letter or Certificate of Completion. Contaminated fill and native deposits identified at the site are a concern with respect to contact, incidental ingestion and breathing dust or volatile compounds. The contamination also represents a source for leaching to groundwater and for vapor intrusion into a building developed on the site in the future. The identified exposure pathways are addressed through this Soil Management Plan.

Background. The Sixty-Two India Street property currently exists as a small, undeveloped parcel of urban land that is used as a parking lot. The area around the site is served by public water, public sewer and natural gas utilities. The site is bordered on the north by Newbury Street and on the east by India Street. A two-story residential home abuts the site on the west and a commercial auto-glass repair shop abuts the site on the south. Historically, a filling station with underground storage tanks (USTs) was present on this abutting property. The surrounding land uses include residential buildings, restaurants, office buildings, food stores, coffee shop, bakery, hair salon and fishing tackle shop.

Several buildings were formerly present at the site prior to becoming established as an open parking lot. Historical records show a former garage/service station, gasoline USTs and small paint/junk shops existed at the subject site. These operations appear to date back to the 1960s or possibly earlier and represent areas of environmental concern at the site. Former businesses related to the USTs may have included the Grand Trunk Garage, Astor Motor Co. and Shell Oil Co.

Prior Site Investigations. A Phase I Environmental Site Assessment (ESA) was completed for the property in February 2014 on behalf of Reger Holdings, LLC. Previously in 2007, a limited Geoprobe investigation was completed and found evidence of a past release associated with former gasoline USTs identified at the site.

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2.0 SITE CONDITIONS AND CRITERIA

2.1 Document Availability

This document is required to be maintained by the property owner, its representatives, successors and assigns as part of the ongoing obligations for this property as addressed in the No Further Action Assurance Letter issued by the MDEP VRAP in April 2014.

A copy of this document must be provided to employees, contractors, subcontractors, and other persons who may contact or disturb the subsurface conditions that are being addressed through this Soil Management Plan.

2.2 SMP Applicability

The SMP is applicable to construction activities conducted in relation to site development or post-development use that involve excavation and/or disturbance of contaminated urban fill or native deposits (e.g., fill/soil). Such activities could involve bringing contaminated fill, groundwater or vapors to the surface of the site where potential human exposure could occur through contact, incidental ingestion or breathing. The depth of urban fill varies but was found to range primarily from zero to 6 feet below ground surface. Subsurface disturbances that pose a concern for exposure to the following:

- Excavation/construction workers,
- Outdoor commercial workers, and
- Future occupants of a building constructed at the site for residential and business/commercial use.

The SMP is also applicable to gardening or landscaping activities that may occur within the boundaries of the property (post-development) where the activities involve larger and more extensive disturbance of contaminated fill/soil. This condition can be mitigated by avoiding the reuse of contaminated fill/soil in the top two feet of the site and by installing a geotextile marker material with a minimum of two feet of clean fill over the geotextile to provide an identifiable marker above the deeper contaminated fill (See Section 2.8).

Subsurface disturbance which may involve bringing only a minor amount of contaminated fill, groundwater or vapors to the surface of the site may not pose a concern for human exposure and would not require notification to the MDEP or action under this SMP. Possible examples of such minor disturbance could include minor repaving activities, routine maintenance of plantings/landscaping established in accordance with Section 2.8 of this plan (e.g. clean fill, marker layer, etc.) or other actions of a limited intrusive nature.

2.3 Contaminants of Concern

The potential Contaminants of Concern (COCs) identified at the site in the March 2014 Phase II Site Investigation include:

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A. Petroleum constituents (e.g., primarily benzene, ethyl benzene, toluene, xylenes and lead) associated with the former garage, USTs and pump island.
B. Volatile constituents (i.e., solvents, cleaners, paints, etc.) associated with the former paint shop and garage operations.
C. Heavy metals and semi-volatile constituents associated with the former paint/junk shops, garage and buried fill/fire debris.

The chemical properties associated with these COCs are anticipated to pose a concern primarily for construction workers (short-term) in connection with future development of the site and for residents and commercial workers (i.e., shop owners/workers) who will occupy the building.

2.4 Areas of Concern

The Areas of Concern representing potential historical sources of contamination include:

- Urban fill present across the site and historical uses consisting of the former garage/filling station and former paint/junk shops, and
- Former USTs and pump island located in the southeast portion of the site where petroleum contamination is present.

The SMP applies to potential exposure to subsurface conditions located within these Areas of Concern as shown in Figure 1.

2.5 MDEP Guidelines

The Phase II Site Investigation was completed to support redevelopment of the property with a multi-story building. The preliminary concept for site development is to establish retail shops at ground level and residential living space on the upper floors. A ground-level garage may also be incorporated into the rear portion of the building. The outer footprint of the building is anticipated to follow the boundaries of the property. The new building may be developed with a shallow spread-footing or pile design to support a concrete slab foundation. Given this approach, the excavation and subsurface disturbance during construction is anticipated to be limited to relatively shallow depths (e.g., 0-6 feet).

Since the Phase II Site Investigation identified environmental impacts at the site to include multi-contaminants (i.e., both petroleum and hazardous constituents), the site analytical data for the urban fill/soil deposits, groundwater and soil vapor were evaluated based on the MDEP Remediation Guidelines (RAGs) for Sites Contaminated with Hazardous Substances (May 2013).

For the Sixty-Two India Street site, the soil RAGs and urban fill background concentrations were used to address residential, commercial worker, excavation/construction worker and leaching to groundwater exposure scenarios. The groundwater RAGs were used to address the construction worker exposure scenario. Soil gas targets (SGTs) were presented as 10x the indoor air RAGs for purposes of evaluating vapor intrusion from subsurface contamination into an occupied building.

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2.6 Exposure Pathways and Scenarios

The exposure pathways and scenarios that are considered applicable at the site and have the potential to pose a risk to receptors include:

Excavation or construction worker by:

- Incidental ingestion (eating) of contaminated fill and/or groundwater,
- Incidental dermal (skin) contact with contaminated fill and/or groundwater, and
- Breathing of the contaminated ambient air impacted by volatilization of contaminants from fill and/or groundwater; and, by suspension of fine contaminated particles (i.e., dust) in air.

The Phase II Site Investigation found lead concentrations in urban fill exceeding the RAG for the excavation/construction worker exposure scenario.

Residential and indoor workers (i.e., shop owners and employees) by:

- Breathing of contaminated indoor air impacted by volatilization of contaminants from fill and/or groundwater and subsequent vapor intrusion into the building.

The Phase II Site Investigation found C5-C8 aliphatic hydrocarbons exceeding the soil gas target in shallow fill for residential and indoor commercial worker exposure scenario.

Residential occupants and outdoor (maintenance) commercial workers by:

- Ingestion, dermal contact and inhalation of contaminants associated with shallow fill and dust, or dermal contact with groundwater.

The Phase II Site Investigation found lead, arsenic and several polycyclic aromatic hydrocarbons (PAHs) concentrations in urban fill exceeding the RAGs for residential and outdoor commercial worker exposure scenario.

Leaching to groundwater:

- Subsurface fill/soil historically impacted at the site by petroleum can serve as an ongoing source of hydrocarbon impact to groundwater quality.

The Phase II Site Investigation found lead and several EPH/VPH petroleum concentrations in urban fill/soil deposits exceeding the RAGs for leaching to groundwater exposure scenario.

2.7 Accessibility of Urban Fill/Soil

Presently, contaminated fill, groundwater and soil vapor are relatively inaccessible due to the presence of the asphalt pavement and the transient nature of the site's use. During redevelopment of the property, the pavement will be removed and subsurface fill will be

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disturbed in connection with the foundation construction and installation of underground utilities. Short-term disturbance to subsurface fill and potential exposure during construction is addressed through the MDEP RAGs in three categories which include: "accessible," "potentially accessible," or "isolated" as explained below.

1) Accessible: Fill located less than two feet below ground surface and has no cover to limit contact and disturbance.
2) Potentially Accessible: Fill/soil located at a depth in the range of 2-15 feet below the ground surface and has no cover to limit contact and disturbance; or, fill located less than two feet below pavement.
3) Isolated: Soil located at a depth greater than 15 feet below the surface; or, fill/soil covered completely by a building or other permanent structure that does not have earthen floors, regardless of depth. Also, fill/soil located at a depth greater than two feet below the earthen floor of a building or other permanent structure is also "Isolated."

As stated previously, the excavation and disturbance of urban fill during construction is anticipated to occur within the depth of 0-6 feet. For purposes of the SMP, the fill will be "accessible" during the period of construction. Following site development, the fill will predominantly fall in the "Isolated" category due to the presence of the building foundation and asphalt cover. However, the SMP recognizes the possibility for subsurface fill to become accessible on occasion through outdoor utility or maintenance worker activities if a portion of the cover is removed, or if a portion of the site is landscaped with earthen material rather than a solid cover. The landscaped area would be "Potentially Accessible" to persons that may be performing some type of intrusive activity into the ground that could extend below a depth of two feet. It is however likely that such activity would occur over a short period of time thus limiting the duration of potential exposure.

2.8 Engineering Controls

Given the presence of subsurface contamination and potential exposure scenarios identified for the site, engineering controls must be incorporated into the design and construction of a new building on the site. The engineering controls include:

1) The building-related concrete structures and any new asphalt pavement will provide a suitable physical barrier to contact with subsurface contamination.
2) A vapor barrier and active sub-slab depressurization system will mitigate the potential for soil vapor intrusion into the future occupied space of the new building.
3) Within the boundaries of the site and outside the building footprint, install a geotextile marker material with a minimum of two feet of clean fill over the geotextile to provide an identifiable separation from deeper contaminated fill. The source of the clean fill should be verified to be free of contaminants through laboratory analytical testing or equivalent documentation acceptable to the MDEP. The application of this engineering control is relevant for larger amounts and more extensive use of fill at the site.

The engineering controls consisting of the building cover, asphalt cover, vapor barrier, depressurization system and clean fill layer must be maintained throughout the future use of the

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site. If site construction activity or repairs are needed in the future, the work should be completed in order to retain the integrity and function of these barriers.

3.0 FILL/SOIL MANAGEMENT

The SMP is intended to minimize or eliminate the potential for exposure to subsurface contamination during future construction as the site is redeveloped, and also during future occupation of the site by residents, shop owners/workers and utility/maintenance workers. The main provisions of the SMP to be followed when site excavation/disturbance is expected are addressed below. A map of the site layout and AOCs is included as Figure 1 at the end of this plan.

3.1 MDEP Notification

Prior to conducting activities that could make contamination accessible and pose a risk of exposure, or that may alter the existing site conditions in a way that could lead to an exposure to urban fill, soil vapor or groundwater, MDEP VRAP shall be contacted in writing to notify the Department of the planned activities. The notification and follow-on discussions may trigger the need to engage the provisions of the SMP, or it may be determined that the activity will represent a minor concern where the SMP is not applicable. The written notification to the MDEP shall provide sufficient lead time for the staff to respond prior to the commencement of any site disturbance activities.

3.2 Environmental Professional Oversight

An Environmental Professional (EP), who is experienced and qualified to address contaminated site conditions, must be involved to facilitate the SMP for the site and develop any additional Work Plans that may be appropriate to the work being undertaken at the site. At a minimum, an EP must be engaged during construction related to redevelopment, and in the future after development, if any significant subsurface disturbance is anticipated at the site.

The primary EP tasks will involve monitoring conditions for potential exposure concerns, coordinating on excavation and stockpiling, communicating with the contractor(s) regarding health and safety practices, collecting samples for laboratory analysis, and assisting with the ultimate disposition of contaminated material either on or offsite if the material is to be transported to a recycling/disposal facility. The risk of worker exposure to soil vapors would be assessed by the EP using appropriate field instrumentation or air quality monitoring. The EP would also work on behalf of the owner to coordinate with the MDEP and local municipal officials.

Actions taken at the site to prevent exposure are based on the contaminant concentrations in relation to applicable regulations and remedial guidelines of the MDEP. As stated previously depending on the relative size and duration of the disturbance activity, the potential exposure scenarios of concern may include dermal contact, incidental ingestion and inhalation of contaminants on fugitive dust or vapors emitted into the ambient air.

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3.3 Best Management Practices

For disturbance activities undertaken at the site, construction and excavation work should be done following the MDEP Erosion and Sediment Control Best Management Practices (BMPs). Contaminated fill excavated and temporarily stockpiled on the site should be managed in order to minimize vapor emissions, the spread of dust/contaminants through wind and mobilization via surface runoff. Specifically during construction activities, management of disturbed fill may include:

1) Wetting for dust control,
2) Mulching for erosion control,
3) Plastic liners and covers to avoid contact with precipitation and for segregation,
4) Hay bales, silt fencing and berms for perimeter containment, and
5) Vapor barrier/vapor mitigation system depending on the nature and duration of the activity.

3.4 Safety Considerations

The construction contractors are anticipated to conduct their work in compliance with all applicable Occupation Safety and Health Administration (OSHA) regulations. Contractors are encouraged to inform all workers through regular health and safety briefings of the potential for exposure through dermal contact, eating and breathing while working at the site. Workers are encouraged to use proper protective clothing and equipment to prevent exposure. To the extent possible, construction tasks and practices should be implemented to avoid worker exposure pathways.

3.5 Contamination Identification

The Phase II Site Investigation completed for the site has characterized the nature and level of contamination present at the site. The primary contaminants of concern that exceed the RAGs include lead, arsenic and PAHs. These contaminants are associated with urban fill, which can be readily distinguished from the native geologic deposits based on the fill character (i.e., containing ash, cinders, brick, glass, wood, etc.). On this visual basis, the urban fill can be managed separate from other native deposits.

Native deposits, if encountered during excavation, may also be impacted by heavy metals or PAH contamination. These deposits should be segregated and analyzed for these parameters through laboratory testing to determine how these materials can be managed. In particular, where petroleum residues are present in the southeast portion of the site, the excavated fill and native deposits should be monitored in accordance with MDEP Standard Operating Procedure TS004 using a field photoionization meter (PID) and can be segregated for proper management on or off the site based on discussions with the MDEP.

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3.6 Fill/Soil Excavation, Segregation, Containment and Stockpiling

Subsurface excavation is anticipated in connection with the development of a new building at the site. The extent of fill/soil removal will be based on the details for the design of the building which have not yet been developed.

The existing asphalt pavement will need to be removed to an offsite licensed recycling/disposal facility such as Commercial Paving and Recycling LLC located in Scarborough, Maine. A shallow depth of fill below the pavement may also be removed and replaced with clean compacted fill as part of the foundation construction for the building. Given the limited workspace at the site, excavated asphalt and fill may need to be live-loaded onto trucks for transport offsite. If a live-loading procedure is utilized, the material will need to be characterized in advance of excavation as described in Section 3.8. The excavation activity will be handled primarily using an excavator or backhoe equipment such that construction worker activity with hand tools should be minimal.

The urban fill identified at the site contains the COCs that are required to be managed through this SMP. Based on the soil boring explorations, the fill is exists at the site as the uppermost layer with the native deposits found below the fill. The depth of the fill was found to extend down to six feet at most of the soil borings. As stated previously, the fill has characteristics that allow it to be visually distinguished from the native deposits. Space occupied by the fill will be replaced by the foundation construction and thus result in an excess volume of fill. The excavation contractor will be able to excavate the fill based on its visual character and depth limits and segregate it into a temporary stockpile or load directly into trucks for transport to a licensed recycling/disposal facility. No significant backfilling or reuse of excess fill is anticipated based on the current conceptual understanding for site development.

Fill/soil stockpiles may occur temporarily on the site; however, the length of storage time will likely be brief given the limited space available during construction. Nevertheless, BMPs are encouraged to contain stockpiles, and mitigate potential worker exposures and contaminant-related releases to the environment (i.e., dust, erosion, vapors, etc.).

3.7 Groundwater Management

During the Phase II Site Investigation, the depth to groundwater observed in the southeast corner of the site in March 2014 was approximately 6 feet below ground surface. Throughout the remaining portion of the site, the depth groundwater is interpreted to range from 6-11 feet below ground. Given this depth, groundwater may not be significantly encountered during the excavation work for the new building. If conditions are found to differ from this understanding at the time of construction, the EP can address the need for groundwater management at that time.

3.8 Fill/Soil Disposal

As stated previously the existing asphalt and an undetermined volume of contaminated urban fill will likely be removed from the site to a licensed recycling/disposal facility. Prior to removal

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offsite, the EP will contact the disposal facility and provide the existing analytical data in order to establish a waste profile and determine any additional testing that may be required for acceptance at the facility. Through this approach, the fill can be characterized to determine whether it will be managed as a solid waste, special waste or hazardous waste. The types of analytical testing that may be required to develop a profile for the fill can include but may not be limited to:

- TOX
- TCLP Metals
- Flash Point
- pH as Corrosivity
- Reactivity-Cyanide
- Reactivity-Sulfide
- PCBs
- VOA and SVOA

3.9 Documentation and Reporting

If an activity is planned at the site and involves actions relevant to the SMP, the EP should be consulted to assess the nature of the work in relation to the SMP and applicable MDEP guidelines or regulations. Pre-construction site evaluations, laboratory testing and implementation of SMP actions during construction should be documented in writing consistent with VRAP, MDEP and city requirements. A site plan may need to be prepared to record the nature and location of the management strategies (e.g., backfill placement, cover, extent, etc.) implemented at the site.

4.0 SMP MODIFICATIONS

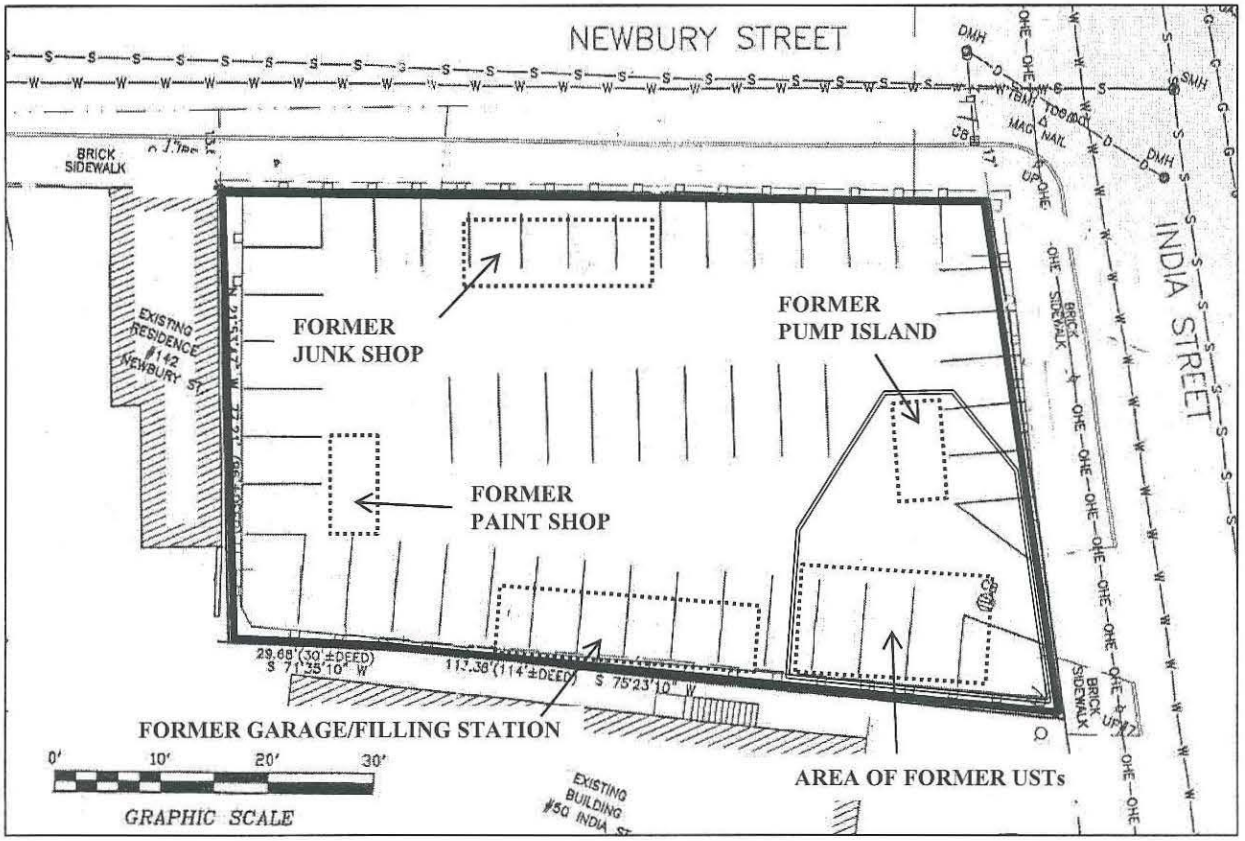
In the event that site conditions are found to differ from the conditions identified during the Phase II Site Investigation or following site redevelopment and modifications to the SMP are warranted, any revisions or additions to the SMP must be submitted to MDEP VRAP for review and written approval.

REFERENCES

1. Phase I Environmental Site Assessment Report, 62 India Street Site, Portland, Maine, dated February 2014, prepared for Reger Holdings, LLC by Drumlin Environmental, LLC of Portland, Maine.
2. Phase II Site Investigation Report, 62 India Street Site, Portland, Maine, dated March 2014, prepared for Reger Holdings, LLC by Drumlin Environmental, LLC of Portland, Maine.
3. Maine Department of Environmental Protection, Voluntary Response Action Program (VRAP) requirements.
4. MDEP Remediation Guidelines (RAGs) for Sites Contaminated with Hazardous Substances (May 2013).
5. Maine Department of Environmental Protection, Erosion and Sediment Control BMPs, dated March 2003, DEPLW0588.

RESURGAM
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NORTH



EXPLANATION

- AOC – FOR URBAN FILL
- AOC – FOR PETROLEUM RESIDUES

FIGURE 1
SMP AREAS OF CONCERN
62 INDIA STREET SITE
DRUMLIN ENVIRONMENTAL, LLC