



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

RECEIVED

OCT 18 2013

PLANNING DEPARTMENT

October 17, 2013

City of Portland
Attn: Jeff Levine
Director of Planning & Urban Development
389 Congress Street
Portland, Maine 04101

Portland Development Corporation
Attn: Gregory Mitchell, Assistant Secretary
Economic Development Department
389 Congress Street
Portland, Maine 04101

Re: Bayside Railyard, Portland, Maine—Voluntary Response Action Program (VRAP) No Action Assurance Letter (revised)

Mr. Levine:

The Maine Department of Environmental Protection (the “Department”) has received and reviewed the September 13, 2013 letter requesting the removal of certain use restrictions established for the Bayside Railyard area in previous Voluntary Response Action Program (“VRAP”) No Action Assurance letters issued on July 26, 2001 and November 21, 2008. The submittal also included the request that the VRAP issue a modified No Action Assurance letter to reflect the removal of these restrictions. The request for modification was submitted by the City of Portland and the Portland Development Corporation, as co-applicants to the program, so that both parties (and their successors and/or assigns) could receive the protections from environmental liability as provided by VRAP Law.

Based on the Department’s review of the modification request, and a review of documents concerning environmental conditions at the railyard that had previously been submitted to the Department, we concur that the removal of use restrictions on the Bayside Railyard properties is appropriate, given the proposed plans for redevelopment of the property. The Department’s concurrence is based on the understanding that the prohibition on the extraction of groundwater for drinking water use will remain in effect.

Provided that remedial actions are completed to the satisfaction of the Department, the City of Portland and the Portland Development Corporation, as co-applicants, and their successors and/or assigns and lenders will be granted the liability protection provided by 38 M.R.S.A. §343-E(1) and (5) for the properties of the Bayside Railyard area. The Department will take no action

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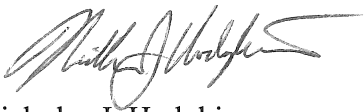
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against the City of Portland, the Portland Development Corporation, and those persons identified in 38 M.R.S.A. §343-E(6) including any lenders and any successors or assigns of the applicant and the co-applicants.

Once the recommended tasks are completed for each property that is a portion of the Bayside Railyard area, a report summarizing the successful implementation of the tasks should be sent to the VRAP. Upon review and approval of the summary report, the VRAP will issue to the City of Portland, the Portland Development Corporation, and other eligible applicants (if they exist) a Certificate of Completion for the property.

If you have any questions regarding this letter, please feel free to call me at 207-287-4854.

Sincerely,



Nicholas J. Hodgkins
Voluntary Response Action Program
Division of Remediation

pc: Rick Knowland, City of Portland