

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

LEWISTON MILL REDEVELOPMENT CORPORATION)	COMMISSIONER'S CERTIFICATION OF COMPLETION OF REMEDIAL ACTIONS UNDER A VOLUNTARY RESPONSE ACTION PLAN FOR THE BATES MILL, LEWISTON MAINE
35 CANAL STREET BOX A - 3)	
LEWISTON, MAINE 04240)	
CITY OF LEWISTON)	
27 PINE STREET)	
LEWISTON, MAINE 04240)	
MILL 3 DEVELOPMENT CO., LLC)	
TWO GREAT FALLS PLAZA)	
AUBURN, MAINE 04210)	
MILL 7 DEVELOPMENT CO., LLC)	
TWO GREAT FALLS PLAZA)	
AUBURN, MAINE 04210)	

JURISDICTION

This certification of completion of a Voluntary Response Action Plan ("VRAP") is made pursuant to the authority vested in the Commissioner of the Maine Department of Environmental Protection ("DEP") or the Commissioner's delegee under Title 38 M.R.S.A. § 343-E.

FINDINGS OF FACT

1. The covered property is currently owned by the Lewiston Mill Redevelopment Corporation ("LMRC"); the City of Lewiston ("City"); Mill 3 Development Co., LLC ("Mill 3"); and Mill 7 Development Co., LLC ("Mill 7"). The property has street addresses of 15 Canal Street, 65 Canal Street, 135 Mill Street, 140 Mill Street, 70 Lincoln Street, and 32 Chestnut Street, Lewiston Maine, and it is further identified on the City of Lewiston Tax Maps as Map 207, Lot 145, and Map 208, Lots 55, 56, 82, 83, and 157. A map of the properties ("site" and/or "properties") is included as "Attachment A-Site Location Map."

LEWISTON MILL REDEVELOPMENT CORPORATION	2)	COMMISSIONER'S CERTIFICATION OF COMPLETION OF REMEDIAL ACTIONS UNDER A VOLUNTARY RESPONSE ACTION PLAN FOR THE BATES MILL, LEWISTON MAINE
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2. The Bates Mill complex was at one time one of the nations largest manufacturers of textiles, and at its prime, consisted of 11 buildings containing approximately 1.2 million square feet of space. The buildings on site were constructed between 1852 and 1923. In 1992 the City, in response to declining use of the facility by Bates of Maine, assumed ownership from Bates of Maine.
3. In 1996, Summit Environmental Consultants Inc. (“Summit”), under contract by the City, completed the first of several environmental site assessments on the complex. Additional Assessments of various portions of the Bates Mill complex were completed in 1997, 1998, and 1999, 2000, and 2001.
4. In 1998, the US Environmental Protection Agency (“USEPA”), Emergency Planning and Response Branch completed the first of several hazardous material removal actions at the mill, removing transformers containing PCBs, drums of chemical waste, and asbestos containing materials. Additional remedial actions have been completed at the Site in 2000, 2001, and 2002.
5. In 1999, the City applied for and received a US EPA Brownfields Pilot Project Grant for the Bates Mill Complex.
6. In March of 2000, a VRAP action plan was submitted to the Department and subsequently approved outlining remedial actions to be undertaken at various locations throughout the mill complex. The plan submitted was developed as part of the Brownfields Pilot Project. Actions conducted as part of the plan included, but not were not limited to, lead paint and asbestos abatement, container and machinery removals, and soil removal and/or encapsulation. These remedial actions outlined were completed to the Departments satisfaction during 2000 and 2001. An outline of remedial actions completed can be found in Attachment B – Actions Completed Under Brownfields/VRAP Remediation by Area.

LEWISTON MILL REDEVELOPMENT CORPORATION	3)	COMMISSIONER'S CERTIFICATION OF COMPLETION OF REMEDIAL ACTIONS UNDER A VOLUNTARY RESPONSE ACTION PLAN FOR THE BATES MILL, LEWISTON MAINE
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7. In December of 2002, as part of the Brownfields Pilot Project, Summit submitted to the Department an Engineering Evaluation/Cost Analysis (EE/CA) outlining remedial actions to take place at the Remaining areas of concern at the Bates Mill Complex. This report was also submitted to the Department as a VRAP action plan. Actions conducted as part of the plan included, but not were not limited to, lead paint and asbestos abatement, container and machinery removals, and soil removal and/or encapsulation. The Department and USEPA approved the actions outlined, and were carried out to the Departments satisfaction during 2003. An outline of remedial actions completed can be found in Attachment B – Actions Completed Under Brownfields/VRAP Remediation by Area.

CONCLUSIONS

1. The “LMRC”, “City”, “Mill 3”, and “Mill 7”, are the owners of the Bates Mill Complex, located at 15 Canal Street, 65 Canal Street, 135 Mill Street, 140 Mill Street, 70 Lincoln Street, and 32 Chestnut Street, Lewiston Maine, and further identified on the City of Lewiston Tax Maps as Map 207, Lot 145, and Map 208, Lots 55, 56, 82, 83, and 157, and have submitted an application for participation in the Voluntary Response Action Plan Program to the Commissioner pursuant to 38 M.R.S.A. §343-E.
2. Site assessments conducted at the site included investigation reports that adequately identify the nature and extent of the discharges, releases, and potential releases to the surface soils, subsurface soils, and groundwater at the properties, and remedial actions that have occurred from 1996 to 2003 have adequately addressed such releases;
3. Provided “LMRC”, the “City”, “Mill 3”, and “Mill 7” and their successors and/or assigns comply with the conditions of this certification, the response actions that have been completed and the activities associated with the continued use of the site will not cause, contribute, or exacerbate discharges, releases, or threatened releases that are not required to be removed or remediated under the VRAP.

LEWISTON MILL REDEVELOPMENT CORPORATION	4)	COMMISSIONER'S CERTIFICATION OF COMPLETION OF REMEDIAL ACTIONS UNDER A VOLUNTARY RESPONSE ACTION PLAN FOR THE BATES MILL, LEWISTON MAINE
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THEREFORE, pursuant to 38 M.R.S.A. §343-E(5), Mark Hyland, Acting Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection certifies, subject to the conditions set forth below, that remedial actions have been completed Lewiston Mill Redevelopment Corporation for the property located at 65 Canal Street, Lewiston, Maine, and is identified on Lewiston Tax Map 207 as Lot 83. Upon issuance of this CERTIFICATE, “LMRC”, the “City”, and “Mill 3”, and “Mill 7” and the persons qualified for protection under 38 M.R.S.A. §343-E(6) are entitled to the protection from liability to the extent provided by 38 M.R.S.A. §343-E(1). This protection from liability is limited to the matters addressed by and identified by the environmental reports and is subject to the qualifications and conditions set forth below and in 38 M.R.S.A. § 343-E.

CONDITIONS

1. The installation of drinking water wells on the properties is prohibited without prior written permission from the Department, its successors or assigns.
2. Excavation of soils on the properties for construction of buildings will require prior notification of the Department, its successors or assigns. If buildings are to be constructed on the property, soils excavated for construction of building will need to be removed for appropriate treatment and/or disposal that exceed an “Intermediate” Standard, as described in the Departments “Procedural guidelines for Establishing Standards for the Remediation of Oil Contaminated Soil and groundwater in Maine”. Areas of known contamination can be found in Attachment A – Site Location/Description Map.
3. Basement floors throughout the property have engineered encapsulation systems to prevent human access to contaminated soils. Disturbance of these encapsulation systems is prohibited without prior written permission from the Department, its successors or assigns. Areas of encapsulation can be found in Attachment A – Site Location Description Map.

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4. If contaminated soil is encountered during future excavation work at the property, the Department, its successors, or assigns must be notified.

5. A copy of this CERTIFICATE for the site located at 15 Canal Street, 65 Canal Street, 135 Mill Street, 140 Mill Street, 70 Lincoln Street, and 32 Chestnut Street, Lewiston Maine, and further identified on the City of Lewiston Tax Maps as Map 207, Lot 145, and Map 208, Lots 55, 56, 82, 83, and 157, shall be recorded shall be recorded at the Androscoggin County Registry of Deeds. A copy of the recorded document must be forwarded to the Department's VRAP Program.

DONE AND DATED AT AUGUSTA, MAINE, THIS 15TH DAY

OF DECEMBER, 2003.
 DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: Mark Hyland
 Mark Hyland, Acting Director, Bureau of
 Remediation and Waste Management

This Order prepared by Brian Beneski, Bureau of Remediation & Waste Management.
 STATE OF MAINE
 KENNEBEC, ss.,

November , 2003

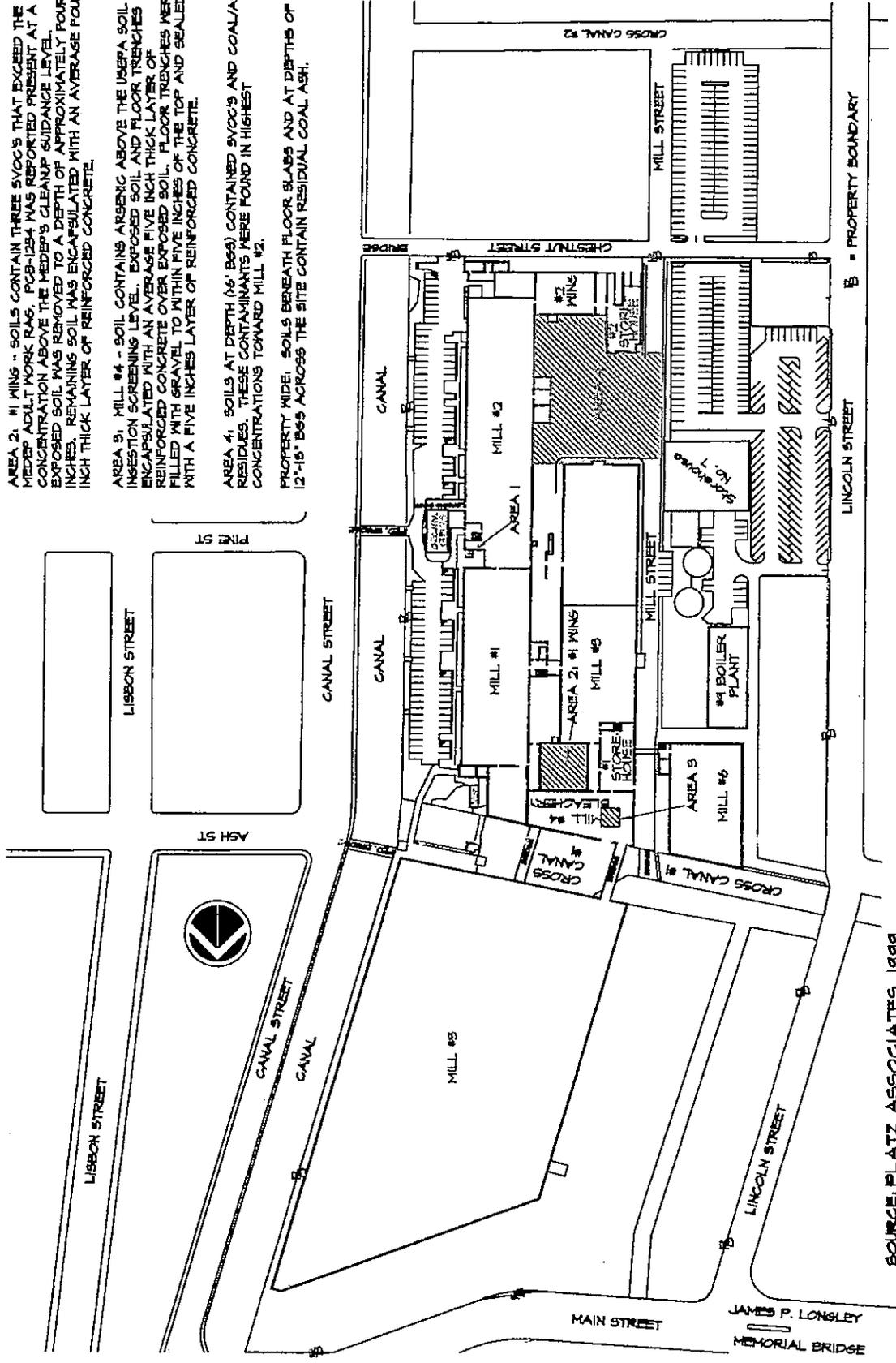
Then personally appeared the above-named Mark Hyland, duly authorized delegee for the Commissioner of Environmental Protection, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of the Department of Environmental Protection.

Before me,
Laura L. Gay
 Notary Public
Laura L. Gay
 (Print Name) 9/24/08

Attachment A
Site Location/Description Map

CLIENT: CITY OF LEWISTON, MAINE
PROJECT: BATES MILL, VEAP CLOSURE
DATE: 10/6/08
SCALE: 1" = 150'
DRAWN: HDK
APPROVED: C.L.B.
TITLE: ENCAPSULATED SOILS
FIGURE:

NOTES:
AREA 1: MILL #1 - SOILS CONTAIN METALS AND SVOC'S AT CONCENTRATIONS ABOVE THE MDEP ADULT WORK REMEDIAL ACTION GUIDELINE (RAAG) AND USEPA INGESTION/INHALATION CONCENTRATION. SOILS WERE ENCAPSULATED USING PLYWOOD.
AREA 2: #1 WING - SOILS CONTAIN THREE SVOC'S THAT EXCEED THE MDEP ADULT WORK RAAG. PCB-1254 WAS REPORTED PRESENT AT A CONCENTRATION ABOVE THE MDEP'S CLEANUP GUIDANCE LEVEL. EXPOSED SOIL WAS REMOVED TO A DEPTH OF APPROXIMATELY FOUR INCHES. REMAINING SOIL WAS ENCAPSULATED WITH AN AVERAGE FOUR INCH THICK LAYER OF REINFORCED CONCRETE.
AREA 3: MILL #4 - SOIL CONTAINS ARSENIC ABOVE THE USEPA SOIL INGESTION SCREENING LEVEL. EXPOSED SOIL AND FLOOR TRENCHES ENCAPSULATED WITH AN AVERAGE FIVE INCH THICK LAYER OF REINFORCED CONCRETE OVER EXPOSED SOIL. FLOOR TRENCHES WERE FILLED WITH GRAVEL TO WITHIN FIVE INCHES OF THE TOP AND SEALED WITH A FIVE INCHES LAYER OF REINFORCED CONCRETE.
AREA 4: SOILS AT DEPTH (26' BGS) CONTAINED SVOC'S AND COAL/ASH RESIDUES. THESE CONTAMINANTS WERE FOUND IN HIGHEST CONCENTRATIONS TOWARD MILL #2.
PROPERTY WIDE: SOILS BENEATH FLOOR SLABS AND AT DEPTHS OF 12"-15" BGS ACROSS THE SITE CONTAIN RESIDUAL COAL ASH.



SOURCE: PLATZ ASSOCIATES, 1999

640 MAIN STREET
 LEWISTON, MAINE 04240
 (207) 785-6004
 WWW.SUMMITTY.COM

Attachment B
Actions Completed Under Brownfields/VRAP
Remediation by Area

Mill 1

- Residual materials removed from old laboratory area
- Secondary containments removed from old laboratory area
- Piping containing residual caustic fabric treatments removed
- Remaining containers of lubricants, paints, greases removed from Machine Shop

Mill 1 Wing

- Oils cleaned from old metal lathe
- PCB-containing equipment removed from basement
- PCB switches removed from upper floors
- Soils removed from basement to a depth of approximately six inches
- Concrete floor placed in basement to encapsulate residual materials

Mill 1 Storehouse

- Asbestos-containing materials removed from piping
- Piping containing residual caustic fabric treatments removed
- Old fluorescent light tube crusher removed for proper disposal

Mill 2

- Soils containing coal ash covered with new flooring in basement store room

Mill 2 Wing

- Debris removed from basement
- Locking hatchway installed on cross canal opening in basement
- Soils removed from basement to a depth of approximately six inches

Mill 2 Storehouse

- Fluorescent light tubes collected for proper disposal

Mill 3

- Soils in basement floor trenches removed for proper disposal
- Lead-based paint removed
- Asbestos-containing materials removed

Mill 4 (Bleachery)

- Piping containing residual caustic fabric treatments removed
- Two railcars used as caustic storage tanks cleaned and removed
- Small area of soils in basement encapsulated with concrete
- Floor trenches in basement cleaned, backfilled, and plugged with concrete
- Pipes found to discharge to cross canal were cutoff and plugged
- Six concrete settling tanks in basement were cleaned and the drains plugged
- Secondary containments cleaned and removed from top floor
- Wood walls in dye mixing area removed for proper disposal
- Fluorescent light tubes collected for proper disposal
- Mercury switches removed from equipment

Mill 5

- Floor trenches on Mezzanine Level cleaned, backfilled, and topped with concrete
- Secondary containment in chemical storage area cleaned
- Remaining containers of lubricants and greases removed for proper disposal
- Sizing area cleaned to remove residual starches and dyes
- Fluorescent light tubes collected for proper disposal
- Mercury switches removed from equipment
- Floor trenches in lower basement area cleaned, drain plugged with concrete
- Piping containing residual caustic fabric treatments removed
- Approximately 50 drums and 250 80-pound bags of remaining hazardous chemicals removed for proper disposal
- Oils were cleaned from the surfaces of machinery in the Electrical Plant area

Mill 6

- Piping containing residual caustic fabric treatments removed
- Soils in basement removed to a depth of approximately six inches
- Fluorescent light tubes collected for proper disposal
- Asbestos-containing materials removed

Storehouse 7

(No work performed as part of this project)

Mill 9 (Boiler Plant)

- Fluorescent light tubes collected for proper disposal
- Asbestos-containing materials removed
- Floor trenches cleaned; residuals properly disposed of
- New sidewalls constructed in remaining floor trench
- Boiler blowdown sumps pumped out to remove residual contaminants
- Mercury switches removed from equipment

Courtyard Area

- PCB-containing transformers removed from outside of buildings
- Debris removed