



NARRATIVE INFORMATION SHEET

1. APPLICANT IDENTIFICATION

State of Maine, c/o The Maine Port Authority, 16 State House Station, Augusta, ME 04333-0016

2. FUNDING REQUESTED

a. Grant Type

Single Site Cleanup

b. Federal Funds Requested

- i. \$500,000
- ii. No cost share waiver is being requested.

c. Contamination

Hazardous Substances.

3. LOCATION

Portland, Cumberland County, Maine

4. PROPERTY INFORMATION

40 West Commercial Street, Portland, ME 04102

5. CONTACTS

a. Project Director

Jonathan Nass, Chief Executive Officer, Maine Port Authority

16 State House Station, Augusta, ME 04333-0016

Tel: 207-200-2400

jon.nass@maineports.com

b. Chief Executive/Highest Ranking Elected Official

Jonathan Nass, Chief Executive Officer, Maine Port Authority

16 State House Station, Augusta, ME 04333-0016

Tel: 207-200-2400

jon.nass@maineports.com

6. POPULATION

66,882



7. OTHER FACTORS CHECKLIST

Other Factors	Page #
Community population is 10,000 or less.	
The applicant is, or will assist, a federally recognized Indian tribe or United States territory.	
The proposed brownfield site(s) is impacted by mine-scarred land.	
Secured firm leveraging commitment ties directly to the project and will facilitate completion of the project/redevelopment; secured resource is identified in the Narrative and substantiated in the attached documentation.	Yes, Page 3
The proposed site(s) is adjacent to a body of water (i.e., the border of the site(s) is contiguous or partially contiguous to the body of water, or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).	Yes, Page 1
The proposed site(s) is in a federally designated flood plain.	Yes, Page 1
The redevelopment of the proposed cleanup site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or any energy efficiency improvement projects.	Yes, Page 3

8. LETTER FROM THE STATE OR TRIBAL ENVIRONMENTAL AUTHORITY

Please see the attached letter from the Maine Department of Environmental Protection



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
ACTING COMMISSIONER

January 22, 2019

Mr. Frank Gardner
EPA Region 1
5 Post Office Square
Suite 100, Mailcode: OSRR7-2
Boston, Massachusetts 02109-3912

Dear Mr. Gardner:

The Maine Department of Environmental Protection's ("Department") Bureau of Remediation and Waste Management acknowledges that the State of Maine c/o the Maine Port Authority plans to conduct cleanups and is applying for federal Brownfields grant funds.

Jonathan Nass of the Maine Port Authority has developed an application requesting site-specific federal Brownfields Cleanup funding for the Portland International Marine Terminal Cold Storage Site property in Portland.

If the project receives funding, the Department's Voluntary Response Action Program ("VRAP") staff will provide review and comment on feasibility studies and remedial workplans, and will provide oversight (as necessary) of contractor's work at the properties. Upon successful completion of remedial activities at a property, the VRAP will provide protections from Department enforcement actions by issuing a Commissioner's Certificate of Completion.

Please feel free to call me directly at (207) 592-0882 should you have any questions regarding this letter.

Sincerely,

Nicholas J. Hodgkins
Voluntary Response Action Program
Division of Remediation
Maine Department of Environmental Protection

Pc: Jonathan Nass, Maine Port Authority

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

THRESHOLD CRITERIA

1. APPLICANT ELIGIBILITY

The applicant for this grant is the State of Maine and the grant will be administered by the Maine Port Authority. The Maine Port Authority, as established by Title 5, section 12004-F, subsection 8, is a body both corporate and politic in the State established for the general purpose of acquiring, financing, constructing and operating any kind of port terminal facility and railroad facility within the State with all the rights, privileges and power necessary. Both the State of Maine and the Maine Port Authority are eligible entities for a Cleanup Grant.

2. PREVIOUSLY AWARDED CLEANUP GRANTS

The proposed site has not received funding from a previously awarded EPA Brownfields Cleanup Grant.

3. SITE OWNERSHIP

The proposed site is currently owned by the State of Maine. During the proposed cleanup, it is anticipated that the site will be owned by the Maine Port Authority. Per Maine Revised Statutes Title 5, chapter 412 section 4424, "*All real and personal property owned by and in the name of the Maine Port Authority shall be considered as property of the State...*" Therefore, and in accordance with this statute, the site is currently owned by the State of Maine through a legal document and this ownership will continue through the performance of the grant, if awarded. Supporting documentation is attached.

4. BASIC SITE INFORMATION

a. Name of the site

Portland International Marine Terminal Cold Storage Site

b. Address of the site

40 West Commercial Street in Portland, Maine 04102

c. Current owner of the site

State of Maine

5. STATUS AND HISTORY OF CONTAMINATION AT THE SITE

a. Type of contamination

Hazardous substances (co-mingled)

b. Operational history and current use of the site

The site was previously used by the Portland Gas Light Company between 1852 and 1965 as a manufactured gas plant, providing Portland and the surrounding communities with manufactured gas. In 1965, Portland Gas Light Company ceased operations at the site, and the plant was decommissioned. A natural gas/propane distribution facility occupied the site until 2016. The site is currently vacant.

c. Environmental concerns

Environmental concerns at the site include contamination from previous manufactured gas operations including contaminated soil, groundwater, and soil vapor.

d. How the site became contaminated and the nature and extent of the contamination.

The site was contaminated during a long history of industrial usage at a time when environmental

stewardship was limited. Releases of coal tar from subsurface structures and holders have impacted subsurface conditions and purifier box waste that has been buried at the site has contaminated surrounding soil. These contaminants are located throughout the site with impacted media including shallow subsurface soil, shallow and deeper groundwater aquifers, and soil vapor.

6. BROWNFIELDS SITE DEFINITION

The proposed site is: not listed or proposed for listing on the National Priorities List; not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and not subject to the jurisdiction, custody, or control of the U.S. government.

7. ENVIRONMENTAL ASSESSMENT REQUIRED FOR CLEANUP GRANT PROPOSALS

The following environmental assessments, which include site assessments and remedial action plans developed through programs administered by the Maine Department of Environmental Protection (MEDEP), have been completed for the proposed site:

June 2, 2003. Final Investigation Summary Report, Former Portland Gas Works Site, Portland, Maine. Woodard & Curran.

May 29, 2008. Remedial Action Summary Report for Upland Remediation at the Former Portland Gas Works Site, Portland, Maine. Woodard & Curran.

July 2, 2015. Initial Engineering Review, IMT West Cold Storage. Woodard & Curran.

Though multiple environmental assessments have been completed at the proposed site, the date of the report that is most equivalent to an ASTM Phase II ESA is June 2, 2003.

8. ENFORCEMENT OR OTHER ACTIONS

The United States Environmental Protection Agency (US EPA) became involved with the proposed site in 1987 when it conducted a preliminary site inspection and site ranking, which resulted in the issuance of a no further remedial action planned (NFRAP) letter in 1995. In 1996, the National Oceanic and Atmospheric Administration (NOAA) identified an intermittent oil seep from the southwestern corner of the proposed site to the Fore River. Following the NOAA investigations, the US Coast Guard, NOAA, US EPA, and the MEDEP agreed that closure of the site under Maine's Voluntary Response Action Plan (VRAP) program would meet closure and cleanup objectives. No additional enforcement or other actions are known for the proposed site.

9. SITES REQUIRING A PROPERTY-SPECIFIC DETERMINATION

There are no known conditions that would require a property-specific determination for the proposed site.

10. THRESHOLD CRITERIA RELATED TO CERCLA/PETROLEUM LIABILITY

a. Property Ownership Eligibility – Hazardous Substance Sites

i. Exemptions from CERCLA Liability

(3) Property Acquired Under Certain Circumstances by Units of State and Local Government

The proposed site was acquired through other circumstances where title to the property was acquired by virtue of the government's function as sovereign:

- The proposed site was acquired through eminent domain by the State of Maine through the

Maine Department of Transportation for the specific purpose of expanding and improving the capacity and facilities of the adjacent International Marine Terminal. The location of this site relative to the existing International Marine Terminal as well as connections to rail, road, and waterborne transportation modes made this property uniquely fitted to the intended purpose. This acquisition aligns with the purpose of the Maine Department of Transportation, which is responsible for statewide transportation by all modes of travel.

- The proposed site consists of multiple parcels that were acquired by the State of Maine on March 26, 2014 and April 28, 2014.
- All disposal of hazardous substances at the site occurred before the State of Maine acquired the property and the State of Maine did not cause or contribute to any release of hazardous substances at the site.
- The State of Maine as not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.

Supporting documentation is attached.

11. CLEANUP AUTHORITY AND OVERSIGHT STRUCTURE

The State of Maine will work with the Maine Port Authority to oversee the cleanup at the site. The proposed site is currently enrolled in the MEDEP VRAP program (state voluntary response program) and the current VRAP documents will be updated as applicable for the project to ensure that the cleanup is protective of human health and the environment. Following MEDEP VRAP approval of the cleanup plan, eligible remediation activities will be directed and documented by a Qualified Environmental Professional (QEP). The QEP will be competitively selected in accordance with the procurement provisions of 2 CFR §§ 200.317 through 200.326 prior to the initiation of cleanup activities.

The proposed site is accessible from the adjacent International Marine Terminal (which is owned by the State of Maine and operated by the Maine Port Authority), and from public ways. Access to neighboring properties will not be necessary to conduct the cleanup, perform confirmation sampling, or monitor offsite migration of contamination.

12. COMMUNITY NOTIFICATION

a. Draft Analysis of Brownfield Cleanup Alternatives

The State of Maine and the Maine Port Authority have provided the community an opportunity to comment on the enclosed draft proposal, which included a draft Analysis of Brownfield Cleanup Alternatives (ABCA).

b. Community Notification Ad

The State of Maine and the Maine Port Authority published an advertisement in the Portland Press Herald on January 17, 2019, that provided notice:

- that a copy of this grant proposal, including the draft ABCA, was available for public review and comment;
- how to comment on the draft proposal;
- where the draft proposal is located; and
- the date, time, and location of a public meeting to discuss the draft proposal.

c. Public Meeting

The State of Maine and the Maine Port Authority held a public meeting on January 31, 2019, to discuss the draft proposal and consider public comments prior to submittal of this proposal.

d. Submission of Community Notification Documents

The following documentation is included with this proposal:

- A copy of the draft ABCA;
- A copy of the ad that demonstrates notification to the public and solicitation for comments on the proposal;
- The comments or a summary of the comments received;
- The applicant's response to those public comments;
- Meeting notes or summary from the public meeting(s); and
- Meeting sign-in sheets.

13. STATUTORY COST SHARE

A minimum financial contribution of \$100,000 will be provided by the State of Maine or Maine Port Authority to perform eligible and allowable cleanup activities that are necessary to complete the proposed redevelopment but are above and beyond the financial limitations of this grant.

Jedd Steinglass

From: Pulver, Theresa <Theresa.Pulver@maine.gov>
Sent: Friday, January 11, 2019 11:31 AM
To: Jedd Steinglass
Cc: byrne.james@epa.gov; Kemmerle, Toni
Subject: State of Maine Notice of Condemnation - West Commercial Street, Portland, Maine
Attachments: Pan Am Recorded Notice of Condemnation.pdf; New Yard-Unitil-Osterman Recorded Notice of Condemnation.pdf; title23sec4424.docx

Hi, Jedd (and Jim, I did find an email address for you, so hopefully it is correct and this message reaches you),

The State of Maine acquired title to the entire parcel in question by eminent domain through two separately filed Notices of Condemnation – one against the railroad, and a second against the rest of the affected owners. Both Notices are attached.

Jim, for your reference, I am also attaching a highlighted copy of the statute we were discussing this morning, in case you don't already have it.

Please let us know where we stand on the ownership question once you have discussed with your counsel. As we explained, our interest is in establishing that the application can go forward (with regard to the ownership question), as the site is, and will continue to be, property of the State of Maine, regardless of the managing entity.

Thanks for your help,
Theresa

*Theresa Pulver
Legal Administrative Coordinator
Maine Department of Transportation
Office of Legal Services
16 State House Station
Augusta, ME 04333-0016
Phone: 207-624-3020
Fax: 207-624-3021
theresa.pulver@maine.gov*

NOTICE OF CONDEMNATION

The **STATE OF MAINE**, acting by and through its **Department of Transportation**, (the "Department") does hereby give notice to all whom it may concern:

That the Department, in accordance with the authority of Title 23 M.R.S.A. Sections 151-159, has determined that public exigency requires the acquisition in fee simple of certain land in the City of Portland, County of Cumberland, Maine for the purpose of expanding existing marine terminal facilities serving the State of Maine and locating and constructing rail and vehicular access thereto (the "Project"). The rights in land hereby acquired are specified herein and are further shown on a Right of Way Map prepared in connection with WIN 22809.00, Part II entitled "Land Acquisition Plan, Part II, West Commercial Street, Portland, Cumberland County, Maine" dated April, 2014 and on file in the Office of the Department of Transportation, D.O.T. File No. 3-596, to be recorded in the Registry of Deeds of Cumberland County.

DESCRIPTION OF FEE TAKING

All land, and rights in land, including any tracks, rails, ties, signals, switches, grade crossing materials, warning devices, ballast, subgrade, railroad communication and signal systems, wires, pipes, poles and all other trackage appurtenances (collectively herein referred to as "Trackage") and other improvements or property not otherwise excepted or excluded herein, located within the following described boundaries are taken in fee simple (the "Acquired Property"):

A CERTAIN PARCEL OF LAND situated on the southerly side of West Commercial Street in the City of Portland, County of Cumberland and State of Maine as shown on said Right of Way Map, bounded and described as follows:

COMMENCING at a granite monument found in a manhole located in the southerly sideline of West Commercial Street, said monument being N 39°49'27" E 393 feet from the intersection of said West Commercial Street and Clark Street, as shown on said Right of Way Map, to be recorded in said Registry of Deeds;

THENCE S 32°36'10" W along the southerly sideline of West Commercial Street 86.09 feet to the **point of beginning**, said point being the northeasterly corner of property conveyed by Portland Terminal Company to New Yard, LLC by deed dated July 31, 2013 and recorded in Book 30887, Page 247 of said Registry of Deeds;

THENCE from said point of beginning S 32°31'38" E along the westerly line of land now or formerly of the City of Portland 580 feet, more or less to mean low water;

THENCE westerly and southwesterly along mean low water 64 feet, more or less, to a point on the easterly line of land now or formerly of Casco Wharf & Storage as described in Book 1507, Page 126 of said Registry of Deeds (which is a part of the parcel herein described);

THENCE S 32°31'38" E along said easterly line of said Casco Wharf & Storage 50 feet more or less to the Harbor Commissioner's Line of 1929;

THENCE S 37°45'10"W along said Harbor Commissioner's Line 600 feet, more or less to a point;

THENCE S 62°18'00" W along said Harbor Commissioner's Line 400 feet, more or less, to a point;

THENCE S 78°39'00" W along said Harbor Commissioner's Line 117 feet, more or less, to the southerly corner of a parcel shown on said Right of Way Map as "Parcel 5";

THENCE N 21°46'06" W 60 feet, more or less, to the mean low water line as shown on said Right of Way Map;

THENCE continuing N 21°46'06" W 105 feet, more or less, through land now or formerly of New Yard, LLC to the southerly corner of a parcel of land now or formerly owned by Northern Utilities, Inc., d/b/a Util;

THENCE N 43°25'17" W along the westerly boundary of land now or formerly of said Northern Utilities (which is a part of the parcel herein described) and the easterly boundary of land now or formerly of said New Yard, LLC 435.50 feet to the northwest corner of said Northern Utilities parcel and a point that represents the northeast corner of land to be retained by said New Yard, LLC;

THENCE S 70°47'58" W through land now or formerly of said New Yard, LLC and along the northerly boundary of the land to be retained by said New Yard, LLC 381.52 feet to land formerly of Portland Terminal Company and Maine Central Railroad Company and now of the State of Maine as described in a Notice of Condemnation recorded in Book 31408, Page 301 of said Registry of Deeds;

THENCE N 16°58'37" W along land of the State of Maine and land now or formerly of Portland Terminal Company and Maine Central Railroad Company 149.35 feet to the southerly side of West Commercial Street;

THENCE N 73°01'23" E along the southerly sideline of said West Commercial Street 1053.20 feet to a point;

THENCE N 32°36'10"E along the southerly sideline of said West Commercial Street 551.51 feet to the point of beginning.

The above described parcel contains 18 acres, more or less.

Also including all right, title and interest in and to the intertidal and submerged lands adjoining the parcel described above located between the spring high tide line and the Former Harbor Commissioner's Line of 1929 as shown on said Right of Way Map.

Also taking hereby any leasehold interests affecting any portion of the above described parcel and being further described in the following documents:

1. Lease agreement, as amended, made by and between Northern Utilities, Inc. and EnergyUSA Propane Inc. (subsequently NGL-NE, LLC now known as Osterman Propane, LLC) dated March 15, 2003, a memorandum of which is recorded in said Registry of Deeds in Book 19264, Page 119.
2. Lease agreement made by and between Northern Utilities, Inc., d/b/a Unitil and New Yard, LLC dated August 2, 2013, a memorandum of which is recorded in said Registry of Deeds in Book 30895, Page 309.

EXCEPTIONS

1. Expressly excluding from the Acquired Property the following items that are owned by or are in the custody and control of New Yard, LLC that, on the date upon which this Notice of Condemnation is filed, are located on the Acquired Property: a) piles of earth, gravel, fill and borrow; b) construction-related materials; and c) construction-related personal property;
2. Expressly excluding from the Acquired Property any existing natural gas and propane facilities, including without limitation, natural gas and propane pipelines, buildings, associated fixtures and related appurtenances, improvements and other personal property that are owned by or are in the custody and control of Osterman Propane, Inc. or Northern Utilities, Inc., d/b/a Unitil, except that all Trackage located on the Acquired Property is hereby acquired;
3. Reserving to Northern Utilities, Inc., d/b/a Unitil ("Unitil"), the right to enter upon the Acquired Property within the areas depicted on the before mentioned Right of Way Map as Parcel 2 and Parcel 3 (the "Former Unitil Property") for the following purposes:
 - a. To repair, replace, maintain, operate, inspect, patrol, protect and remove on, in, over, across and under the Former Unitil Property all existing gas mains, laterals, services, equipment, fixtures, containment and other appurtenances thereto currently owned by Unitil ("Gas Facilities");
 - b. To survey, trim or remove within the Former Unitil Property, existing or future occurring vegetation that interferes with the Gas Facilities;
 - c. To take such other action as is incident or accessory to the foregoing actions;

- d. To cross the Former Unitil Property to access the Gas Facilities, including by vehicle and machinery in a manner that does not interfere with the ongoing activities of the Department;
- e. To conduct such environmental remediation and protection, including investigation, implementation, and monitoring, as well as installation of utilities for such investigation, implementation and monitoring, as described in Unitil's Voluntary Response Action Program ("the VRAP") Remediation Plan as approved by the Maine Department of Environmental Protection (the "DEP") by letter dated June 1, 2012, a copy of which is on file with the DEP (the "Plan") incorporated herein by reference and as the DEP may hereafter amend it, and further as the DEP may hereafter certify it as being complete, inclusive of and extending to the terms in the DEP's certification of the Plan's completion and its regulatory requirements. Unitil may not unreasonably interfere with the operations of the Department in exercising these rights;
- f. To access the Former Unitil Property via the right of way running from West Commercial Street to said Parcel 2 and the right of way connecting Parcel 2 and Parcel 3, both as depicted on the Right of Way Map, or at such other reasonable location as may be directed by the Department; and
- g. To use the Former Unitil Property as necessary to fulfill the purposes described in subsections 3.a-3.e above.

The Department shall not construct or permit to be constructed any building, house, structure, obstruction or improvement of any kind on or over the existing Gas Facilities without Unitil's prior written consent. The Department further agrees that it will not cause to be carried out any excavation, change of grade, or water impoundment affecting the Gas Facilities without Unitil's prior written consent.

The Gas Facilities, whether fixed to the realty or not, shall be and remain the property of Unitil, its successors and assigns.

Unitil shall replace and restore the areas on the Former Unitil Property disturbed by activities exercised in association with the rights reserved to Unitil herein to conditions existing immediately prior to such activities.

The following additional rights are also excepted from the above described fee taking:

- 4. Terms and conditions of an easement and right of way for the purpose of maintaining through, under and across the property an access way for installing and maintaining conduits or pipelines for conveying storm water and sewer water as more fully set forth in the instrument from Northern Utilities, Inc., d/b/a Unitil to the City of Portland, dated February 20, 2014 and recorded in the Cumberland County Registry of Deeds in Book 31378, Page 333.

5. Terms and conditions of an easement and right of way for the purpose of maintaining through, under and across the property an access way for installing and maintaining conduits or pipelines for conveying storm water and sewer water as more fully set forth in the instrument from New Yard, LLC to the City of Portland, dated September 9, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31021, Page 187.
6. Terms and conditions of an easement to enter upon the property for the purpose of environmental remediation and protection, including investigation, implementation, and monitoring, and installation of utilities for such investigation, implementation and monitoring, as described in the Voluntary Response Action Program Remediation Plan as approved by Maine Department of Environmental Protection, and to manage existing gas facilities as more fully set forth in the instrument from New Yard, LLC to Northern Utilities, Inc., d/b/a Unitil, dated August 2, 2013 and recorded in the Cumberland County Registry of Deeds in Book 30895, Page 321.
7. Terms and conditions of an easement to enter upon the property for the installation, repair, replacement, and maintenance of gas mains, etc. in the operation of a Gas Regulator Station as set forth in the instrument from New Yard, LLC to Northern Utilities, Inc., d/b/a Unitil, dated August 2, 2013 and recorded in the Cumberland County Registry of Deeds in Book 30895, Page 317.
8. Terms and conditions of rights and easements to install, maintain, repair, operate, replace and/or remove sewer pipes as further described in the instrument from Portland Terminal Company to Portland Water District dated February 11, 1977 and recorded in the Cumberland County Registry of deeds in Book 3975, Page 262 as affected by the Release and Amendment of Deed of Easement dated July 27, 1994 and recorded in the said Registry of Deeds in Book 11571, Page 154.
9. Terms and conditions or rights and easements for the construction of underground electric transmission distribution and communication lines under the premises as further described in the indenture between Northern Utilities, Inc. and Central Maine Power Company, dated July 23, 1993 and recorded in said Registry of Deeds in Book 10892, Page 32.
10. Terms and conditions of rights and easements for the purpose of erecting, constructing, maintaining, repairing, rebuilding, replacing, operating, patrolling and removing electric transmission, distribution and communication lines as further described in the instrument from Portland Terminal Company and Maine Central Railroad Company to Central Maine Power Company dated February 9, 1993 and recorded in the Cumberland County Registry of Deeds in Book 10600, Page 111.
11. Terms and conditions of rights and easements to install an underground transmission line as further described in the instrument from Portland Terminal Company to Central Maine Power Company dated April 15, 1975 and recorded in the Cumberland County Registry of Deeds in Book 3669, Page 135.

12. Terms and conditions of rights and easements including the right to lay, construct, reconstruct, operate, maintain, replace and remove lines for the transmission of intelligence, including underground cables, pipes, conduits, manholes and appurtenances over and under the premises as set forth in the instrument from Casco Wharf and Storage Company to New England Telephone and Telegraph Company, dated June 25, 1957 and recorded in said Registry of Deeds in Book 2361, Page 361.
13. Terms and conditions of rights and easements including the right to construct, erect, rebuild, operate, maintain, and remove electric distribution and communication lines for the transmission of electricity as set forth in the instrument from Portland Gas Light Company to Central Maine Power Company, dated January 6, 1956 and recorded in said Registry of Deeds in Book 2276, Page 265.
14. Terms and conditions of rights and easements including the right to construct, erect, rebuild, operate, maintain, and remove electric distribution lines for the transmission of electricity and intelligence as set forth in the instrument from Portland Gas Light Company to Central Maine Power Company and New England Telephone and Telegraph Company, dated November 1, 1951 and recorded in said Registry of Deeds in Book 2070, Page 128.
15. A twenty foot right of way and the right to lay and maintain gas and water pipes within said right of way as described in the Warranty/Release Deed from the Portland Gas Light Company to Maine Central Railroad Company dated May 5, 1897 and recorded in the Cumberland County Registry of Deeds in Book 648, Page 488.
16. A twenty foot wide right of way and the right to lay, maintain and repair gas and water pipes and maintain and repair a well and as further described in the Release Deed from the Portland Gas Light Company to the Portland & Kennebec Railroad Company dated October 6, 1866 and recorded in the Cumberland County Registry of Deeds in Book 346, Page 376.
17. All existing utility company rights of way and/or easements to the City of Portland, Central Maine Power Company, New England Telephone and Telegraph, and Portland Water District, their respective successors and assigns, however acquired, and located within the above described boundaries.

INFORMATIVE SUMMARY

The following is a list summarizing the names of apparent owners of record of land and rights involved, and rights affected by the taking, including any leasehold interests, within the hereinbefore described boundaries. Parcel references reflect those depicted on the before mentioned Right of Way Map:

- Parcel 1: New Yard, LLC (fee interest) 9.82± acres
- Parcel 2: Northern Utilities, Inc. d/b/a Unitil (fee interest) 3.96± acres
New Yard, LLC (leasehold interest)
- Parcel 3: Northern Utilities, Inc. d/b/a Unitil and Casco Wharf and Storage
Company (fee interest) 4.17± acres
New Yard, LLC (leasehold interest)
- Parcel 4: Osterman Propane, LLC f/k/a NGL-NE, LLC (leasehold interest
within a portion of Parcel 2) 2.19± acres
- Parcel 5: Owner Unknown (fee interest) 0.05± acre

Any unknown owner or owners or other persons, if any, who may have or claim an interest in any of the above described property.


This condemnation acquires from the parties named above all right, title and interest in and to the Acquired Property, and all appurtenant rights thereto, subject to any exclusions, exceptions and reservations as heretofore described.

Portland
West Commercial Street
WIN: 22809.00, Part II

The Department of Transportation directs that this Notice of Condemnation be recorded in the Registry of Deeds of Cumberland County and filed with the City Clerk of the City of Portland and with the County Commissioners of Cumberland County and published in the Portland Press Herald, a newspaper of general circulation in the County where said property is located; and also directs that a copy of the Right of Way Map be filed with the County Commissioners of said Cumberland County and also that notice be sent, by certified mail, to any persons noted herein as apparent owners of record or parties in interest, as well as mortgagees of record, in all cases in which addresses for such persons are reasonably ascertainable.

Dated at Augusta, Maine

4/28/14
Date

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

David Bernhardt, Commissioner

STATE OF MAINE
COUNTY OF KENNEBEC

Date: 4/28/14

Personally appeared the above named David Bernhardt, Commissioner, Department of Transportation, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the State of Maine.

Before me,


Notary Public/Attorney
Print:
My commission expires:

Received
Recorded Register of Deeds
Apr 30, 2014 08:28:25A
Cumberland County
Pamela E. Lovley

CHERYL C. MARTIN-HUNT
Notary Public State of Maine
My commission expires December 5, 2017

SEAL

NOTICE OF CONDEMNATION

The **STATE OF MAINE**, acting by and through its **Department of Transportation**, does hereby give notice to all whom it may concern:

1. That the Department of Transportation, in accordance with the authority of Title 23 M.R.S.A. Sections 151-159, has determined that public exigency requires the acquisition of certain property interests in the City of Portland, County of Cumberland, Maine, for the purpose of locating and constructing rail and vehicular access to existing and expanded marine terminal facilities serving the State of Maine (the "Project").
2. That the Department of Transportation hereby gives notice of the location of the rail line pursuant to 23 M.R.S.A. Section 5071 as herein set forth and described, and as shown on a Maine Department of Transportation Right of Way Map prepared in connection with WIN 22809.00 entitled "Land Acquisitions, West Commercial Street, Portland, Cumberland County, Maine" dated March 2014 and on file in the Office of the Department of Transportation, D.O.T. File No. 3-595, to be recorded in the Registry of Deeds of Cumberland County.

DESCRIPTION OF FEE TAKING

All land, buildings, and rights in land, excluding any rails, ties and other track materials, within the following described boundaries are taken in fee simple:

Parcel One:

A CERTAIN PARCEL OF LAND situated on the southerly side of West Commercial Street in the City of Portland, County of Cumberland and State of Maine as shown on said Right of Way Map, bounded and described as follows:

COMMENCING at a point on the southerly sideline of West Commercial Street at the northwesterly corner of land now or formerly of New Yard, LLC recorded in the Cumberland County Registry of Deeds in Book 30887, Page 247;

THENCE, S 16°58'37" E along the westerly line of land of said New Yard, LLC 90.30 feet to the **point of beginning**;

THENCE from said point of beginning S 16°58'37" E continuing along the westerly line of land of New Yard, LLC 67.90 feet;

THENCE the following courses and distances through land of Maine Central Railroad Company:

- S 66°19'39" W for a distance of 57.45 feet;
- S 62°41'27" W for a distance of 125.13 feet;
- S 59°26'10" W for a distance of 495.19 feet;

THENCE, along a curve to the right with a radius of 725.74 feet, having an arc length of 165.42 feet, having a chord bearing of S 65°57'58" W and chord length of 165.07 feet;

THENCE, S 72°29'45" W for a distance of 519.07 feet;

THENCE, along a curve to the right with a radius of 725.78 feet, having an arc length of 185.34 feet, having a chord bearing of S 79°48'41" W and chord length of 184.84 feet;

THENCE, S 87°07'38" W for a distance of 21.45 feet to a point;

THENCE, S 02°52'22" E for a distance of 26 feet, more or less, to the spring high tide line;

THENCE; generally westerly along the spring high tide line 1316 feet, more or less, to land now or formerly of Cianbro Corp. recorded in said Registry of Deeds in Book 3424, Page 116, being on a bearing of S 74°55'10"W a distance of 1075.68 feet from the last mentioned point;

THENCE, the following courses and distances along land of said Cianbro Corp.:

N 16°59'42" W for a distance of 171.32 feet;

S 79°48'18" W for a distance of 347.84 feet;

N 16°59'42"W for a distance of 53.00 feet to the southerly sideline of Cassidy Point Road;

THENCE, N 73°00'18" E along the southerly sideline of Cassidy Point Road 263.93 feet to the southerly sideline of West Commercial Street;

THENCE, N 82°56'03" E continuing along the southerly sideline of West Commercial Street 543.92 feet to an angle point;

THENCE, N 77°41'31" E continuing along the southerly sideline of West Commercial Street 16.88 feet;

THENCE, the following courses and distances through land of Maine Central Railroad Company:

N 84°41'57" E for a distance of 219.48 feet;

N 86°01'33" E for a distance of 312.82 feet;

N 87°07'38" E for a distance of 273.21 feet;

N 72°29'45" E for a distance of 542.24 feet;

THENCE, along a curve to the left with a radius of 673.74 feet, having an arc length of 153.57 feet, having a chord bearing of N 65°57'58" E and chord length of 153.24 feet;

THENCE, N 59°26'10"E a distance of 693.10 feet to the point of beginning.

The above described parcel contains 5.0 acres, more or less.

Being a portion of the land described in a deed from the Portland Terminal Company to Maine Central Railroad Company, dated December 30, 1985 and recorded in said Registry of Deeds in Book 7026, Page 187.

Parcel Two:

All right, title and interest in and to the intertidal and submerged lands adjoining Parcel One described above located between the spring high tide line and the Former Harbor Commissioner's Line of 1929 as shown on said Right of Way Map.

EXCEPTIONS

The following rights are excepted from the above described fee taking:

1. Terms and conditions of rights and easement to maintain a drain or sewer as set forth in the instrument from John B. Brown, Horatio N. Jose and Portland Glass Company to the City of Portland dated January 11, 1867 and recorded in said Registry of Deeds in Book 348, Page 337; and
2. Terms and conditions of possible rights to install, maintain, repair, operate, replace and/or improve a sewer pipe as further described in the instrument from Portland Terminal Company to the City of Portland, dated November 10, 1975 and recorded in said Registry of Deeds in Book 3793, Page 217.
3. Excepting those provisions in a Purchase and Sale Agreement between the Department of Transportation and Maine Central Railroad Company/Portland Terminal Company dated March 26, 2014 (the "Agreement") that are intended to "survive closing". It is the intention of the Department that the obligations of the parties under these provisions shall survive the filing of this Notice of Condemnation.

TEMPORARY CONSTRUCTION RIGHTS

The following Temporary Construction Rights are hereby taken:

The right, for the duration of the period of actual Project construction, to access the adjoining property of Maine Central Railroad Company when reasonably necessary in connection with construction for the Project as shown on the existing plans. This right also includes access for grading said adjoining land at the conclusion of the actual Project construction.

INFORMATIVE SUMMARY

The following is a list summarizing the names of apparent owners of record of land and rights involved, and rights affected, within and adjacent to the hereinbefore described boundaries, as shown on the before mentioned Right of Way Map:

For Parcels One and Two and all Temporary Construction Rights:

1. Maine Central Railroad Company
2. Portland Terminal Company
3. Any unknown owner or owners or other persons, if any, who may have or claim an interest in the property.


This condemnation acquires from the parties named above all right, title and interest in and to the property described above in the Fee Taking, and the rights described above in the Temporary Construction Rights, and all appurtenant rights thereto, excluding any rails, ties and other track materials located thereon.

Portland
West Commercial Street
WIN: 22809.00

The Department of Transportation directs that this Notice of Condemnation be recorded in the Registry of Deeds of Cumberland County and filed with the City Clerk of the City of Portland and with the County Commissioners of Cumberland County and published in the Portland Press Herald, a newspaper of general circulation in the County where said property is located; and also directs that a copy of the Right of Way Map be filed with the County Commissioners of said Cumberland County and also that notice be sent, by certified mail, to any persons noted herein as apparent owners of record or parties in interest, as well as mortgagees of record, in all cases in which addresses for such persons are reasonably ascertainable.

Dated at Augusta, Maine

3/26/14
Date

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

David Bernhardt, Commissioner

STATE OF MAINE
COUNTY OF KENNEBEC

Date: 3-26-14

Personally appeared the above named David Bernhardt, Commissioner, Department of Transportation, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the State of Maine.

Before me,



Notary Public/Attorney

Print:

My commission expires:

Received
Recorded Register of Deeds
Mar 27, 2014 08:34:27A
Cumberland County
Pamela E. Lovley

CHERYL C. MARTIN-HUNT
Notary Public State of Maine
My commission expires December 5, 2017

SEAL

Maine Revised Statutes
Title 23: TRANSPORTATION
Chapter 412: WATERBORNE TRANSPORTATION

§4424. PROPERTY OF THE STATE

All real and personal property owned by and in the name of the Maine Port Authority shall be considered as property of the State and entitled to the privileges and exemptions of property of the State, except insofar as waived by the duly authorized contract, or other written instrument of the Maine Port Authority or by this subchapter. The Maine Port Authority and the Department of Transportation shall agree upon and from time to time review the preferred status of property held or controlled by them and necessary to either body's performing its statutory duty and shall arrange to sell, exchange, give or otherwise transfer title or possession of various properties between themselves consistent with sound business mangement and as may serve the best interest of the State in their opinion; and shall be authorized to execute and record a deed or lease between them to effectuate the transfer. The Governor may grant to the Maine Port Authority such rights in submerged land owned by the State and located within harbor limits as may be necessary for the Maine Port Authority to fulfill its powers, duties and obligations. [1981, c. 456, Pt. A, §88 (NEW) .]

SECTION HISTORY

1981, c. 456, §A88 (NEW) .

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Special Session of the 128th Maine Legislature and is current through November 1, 2018. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

Portland Press Herald
EST. 1862
Maine Sunday Telegram
pressherald.com

Classified Advertising Proof

Thank you for placing your advertisement with us.

Your order information and a preview of your advertisement are attached below for your review. If there are changes or questions, please contact the classified department at (207) 791-6100

Thank you

(207) 791-6100

jjensen@mainetoday.com

Monday – Friday 8:00 am – 5pm

Order Number	0043326	Order Price	\$233.28
Sales Rep.	Joan Jensen	PO No.	Grant / Theresa Mattor
Account	10390	Payment Type	Invoice
Publication	Portland Press Herald	Number of dates	1
First Run Date	01/17/2019	Last Run Date	01/17/2019
Publication	Online Upsell PPH	Number of dates	1
First Run Date	01/17/2019	Last Run Date	01/17/2019

Public Notice

The State of Maine and the Maine Port Authority intend to submit an application to the US Environmental Protection Agency for a grant to conduct eligible remediation activities in support of the redevelopment of the former Portland Gas Works site at 40 West Commercial Street in Portland, Maine. A copy of the grant proposal, including a draft Analysis of Brownfields Cleanup Alternatives, is available for review and public comment by contacting Jonathan Nass, Executive Director of the Maine Port Authority using the following contact information: 16 State House Station, Augusta, ME 04333-0016. Tel: 207-200-2400. jonathan.nass@maine.gov. A public meeting will be held prior to the submittal of this grant application at the Maine Port Authority, 460 Commercial Street, Portland, ME on January 31, 2019 from 5:30 to 7:00 PM. Comments on the draft documents may be submitted via email or presented in person at the public meeting.



EPA BROWNFIELDS CLEANUP GRANT APPLICATION

Public Meeting Summary

Date: Thursday, January 31, 2019

Location: Maine Port Authority | 460 Commercial Street, Portland, ME 04101

A public meeting was held on January 31, 2019 at the Maine Port Authority to discuss the draft EPA Brownfield Cleanup Grant application and consider public comments prior to the submittal of the proposal. Below is a summary of the public meeting.

Introduction & Site Overview

Jon Nass and Michael Carter of the Maine Port Authority provided an overview of the EPA Brownfield Cleanup Grant application and site to be remediated. Michael noted the history of the site and that it was operated by Portland Gas Light Company, during which time, coal was delivered to the site by ship and rail and converted into coal gas. He indicated that it was most recently occupied by a natural gas/propane distribution facility until 2016 and since that time, the site has been vacant.

Known Contaminants

Jon addressed the known contaminants for the site which include coal ash, debris, and concentrations of polycyclic aromatic hydrocarbons (PAH) and other semi-volatile organic compounds (SVOC), volatile organic compounds (VOC), and metals associated with soil on site. He noted that groundwater has been impacted by petroleum and VOC and areas of non-aqueous phase liquid have been identified in certain areas. He also stated that soil vapor contains concentrations of VOC as the contaminants in soil and groundwater migrate upwards toward the surface of the site.

Jon clarified that while the contamination is not severe enough to prohibit reuse, the site must be remediated to minimize risk to human and environmental receptors in order for this project to proceed.

Redevelopment of the Site

Michael noted that the proposed redevelopment of the site is to complete the necessary cleanup activities and develop a modern and efficient cold storage facility. Such a development will provide an improved ability for participants in Maine's food, beverage, and biopharmaceutical industries to access new national and international markets.

Jon stated that this particular project is well aligned with the City of Portland's most recent comprehensive plan. He noted that the area of the site was rezoned in 2017, through an extensive public process, to allow the development of facilities such as the proposed cold storage building and similar marine-dependent uses along the Waterfront Port Development Zone.



Economic Outcomes

Jon touched on the economic benefits of the project. He stated that numerous studies have been completed in recent years regarding the economic impact of a cold storage facility. He stated several important key statistics which include over \$1.25M in annual direct impact, 186 construction jobs and 71 permanent jobs. In addition, Jon explained that the annual indirect operational, economic, and environmental impacts of this project are expected to include 959 jobs and over \$170M. Finally, Jon noted that based on the proposed size of the cold storage facility, this project has the potential to add over \$218M in GDP growth by 2025.

Leveraging Resources

Jon noted that based on construction cost estimates, the redevelopment project includes approximately \$700,000 in cleanup burden and a total budget of \$28M. To fund the project, it is anticipated that the following resources either have been or will likely soon be secured:

- \$8M included in the 2018 Maine Department of Transportation work plan to be used for the development of the cold storage facility at the site;
- \$8M in eligible state and federal New Market tax credits that are currently being solicited; and
- \$11.3M in private investment and/or traditional commercial financing with strong interest from investors and lenders.

Community Participation

Michael noted that the MPA will prepare a work plan and schedule. Community participation and outreach activities will be conducted prior to and during the project including neighborhood meetings, quarterly progress reports available to the public, and communication available in other languages if needed. Attendees were asked for their input and feedback at the public meeting.



EPA BROWNFIELDS CLEANUP GRANT APPLICATION

Public Meeting

Date: Thursday, January 31, 2019

Location: Maine Port Authority | 460 Commercial Street, Portland, ME 04101

PUBLIC MEETING COMMENTS & RESPONSE

No comments were received during the public meeting on Thursday, January 31, 2019.

DRAFT ANALYSIS OF BROWNFIELDS CLEANUP ALTERNATIVES

PRELIMINARY EVALUATION OF THE PORTLAND INTERNATIONAL MARINE TERMINAL COLD STORAGE SITE, 40 WEST COMMERCIAL STREET, PORTLAND, ME

PREPARED BY THE STATE OF MAINE AND THE MAINE PORT AUTHORITY

1. INTRODUCTION & BACKGROUND

a. Site Location

The site is located at 40 West Commercial Street in Portland, ME (herein referred to as “the Site”).

b. Historical Site Use

The site was previously used by the Portland Gas Light Company between 1852 and 1965 as a manufactured gas plant, providing Portland and the surrounding communities with manufactured gas. In 1965, Portland Gas Light Company ceased operations at the site, and the plant was decommissioned. A natural gas/propane distribution facility occupied the site until 2016. The site is currently vacant.

The United States Environmental Protection Agency (USEPA) became involved with the Site in 1987 when it conducted a preliminary site inspection and site ranking, which resulted in the issuance of a no further remedial action planned (NFRAP) letter in 1995. In 1996, the National Oceanic and Atmospheric Administration (NOAA) identified an intermittent oil seep from the southwestern corner of the Site to the Fore River. Following NOAA’s investigations, the U.S. Coast Guard, NOAA, USEPA, and the Maine Department of Environmental Protection (MEDEP) agreed that closure of the Site under the Voluntary Response Action Program (VRAP) would meet closure and cleanup objectives, and that no further federal actions were warranted. In November 1998, the previous Site owner filed a VRAP application with the MEDEP for the Site. MEDEP accepted and approved the application in early 1999. Site investigations conducted between 1999 and 2006 were in performed accordance with the VRAP. Remedial actions at the Site have been and will continue to be conducted under MEDEP oversight through the VRAP.

c. Previously Completed Remediation

A brief summary of previous environmental investigations and cleanup activities is presented below. Site details and referenced areas are depicted on **Figure 1**.

i. Former Gas Holder/Tar Well

The former tar well/gas holder is located on the Inland Parcel, near the center of the northern property boundary and east of the propane storage tank area. It consisted of a subsurface foundation separated into two structures. One small triangular shaped area was sectioned off and used as a tar well. The larger section was apparently backfilled with demolition debris (wood, bricks, stone, and waste) during plant decommissioning.

Remediation activities were executed in the winter of 2006/2007 and involved the following:

1. Removal of coal tar and tar-impacted debris from the bottom of an existing underground concrete tar well.
2. Demolition of the roof of the underground tar well to gain access to the residual tar.

3. Dewatering standing water from the former tar well, and disposal of decontamination water.
4. Removal and on-site stabilization of tar-impacted soils and debris from the bottom of the tar well.
5. Tank cleaning and backfilling with screened, non-impacted soil and debris.

ii. Former Gravel Mound/Tar Area

The former Gravel Mound was underlain by coal-gasification related material (CGRM). This area reportedly underwent remediation in June 2004, though no post-remediation assessment data was available. Therefore, an investigation of was conducted in September 2012 to document post-removal soil conditions, which consisted of excavating three test pits in the former gravel mound/tar area and the analysis of three representative soil samples for semi-volatile organic compounds (SVOC). The detected SVOC concentrations were all below the applicable MEDEP Commercial Worker and Construction Worker Remedial Action Guidelines (RAGs), except for benzo(a)pyrene in one test pit. The benzo(a)pyrene concentration at this location was reported to be below the site-specific background concentration. Based on these data, it was concluded that the area of the former Gravel Mound was adequately addressed during the 2004 remediation and no further action was necessary.

iii. Shoreline Parcel Tar Scab Area

Remediation activities were executed in the winter of 2006/2007 to address the existing limited areas of hardened tar, referred to as “tar scabs,” within the intertidal zone and along the Shoreline Parcel. Tar scabs were addressed through the following actions:

1. Cleaning and installation of gravel roads to provide all weather access for construction equipment on the Shoreline Parcel.
2. Removal of tar scabs from the shoreline. These tar scabs typically consisted of coal tar comingled with gravel, sand, and wood fibers.
3. Removal of timbers, metal debris, clinkers, and construction demolition debris along the bank and low tide line along the shoreline.
4. Stabilization of the shoreline with geotextile fabric and riprap.

iv. Former Tar Processing Area

The former tar processing area is located in the eastern corner of the Inland Parcel and consists of several buried structures including a tar separator, tar well, gas holder base, piping, and foundations. These structures were buried in a mound covered with pockets of hardened tar visible as “scabs” on the ground surface. Manufactured Gas Plant (MGP)-related materials in this area were considered a potential continuing source of contamination to groundwater, therefore remediation of this area was completed in 2006 and involved the following:

1. Removal of coal-tar impacted soils, coal tar, and demolition debris.
2. Removal of 100 gallons of tar from a former tar holder, and subsequent demolition and backfilling of the tar holder.
3. Removal of impacted soil, brick, wood, and other construction debris from various chambers of the former tar separator.
4. Provision of screened, non-impacted soil, debris and compacted gravel to match the surrounding grade.

v. Purifier Box Waste Area

The Purifier Box Waste Area (PBWA) was investigated in 2012 to evaluate the concentration of physiologically available cyanide in the groundwater and pore water along the Fore River, as well as test pitting to investigate the extent of PBW materials which would require remediation. The collected waste characterization sample results indicated that the purifier box waste was not classified as hazardous. Nonetheless, excavation and disposal of these materials was completed to reduce the potential for leaching of the cyanide present in the PBW to groundwater. The PBW remediation, which was completed in 2013, consisted of excavation and disposal of soil and fill material mixed with PBW containing cyanide, volatile organic compounds (VOCs), and SVOCs.

Additionally, one small underground storage tank (UST), which previously housed hydraulic oil and a hydraulic car lift were removed in 2003. Soils immediately surrounding the tank were also excavated as part of the state's voluntary cleanup program.

d. Expected Remaining Environmental Conditions

i. Shoreline Parcel Seep Area

Prior investigations indicate an intermittent seep from the southwest corner of the Site, originating from a non-aqueous phase liquid (NAPL) consisting of petroleum, and reportedly causing a sheen on the water surface within the tidal zone. The sheen is currently being managed through the use of oil absorbent materials and the installation of a sheet pile wall system, which will reportedly prevent further seepage and sheens. This system will not require active remediation, maintenance, or monitoring, therefore any reoccurrence of a sheen will be unrelated and incidental in nature.

ii. Inland Parcel Tar Scab Area

This area is situated within the eastern portion of the Inland Parcel where hardened tar is visible at the ground surface. The intermittent appearance of surface tar scabs indicates NAPL is present within the subsurface in this area

Based on the findings of completed site investigations, the following potential remediation actions to manage the Inland Parcel Tar Scab Area were recommended:

- Fencing and periodic tar scab removal;
- Excavation and disposal off-site at a permitted facility;
- Passive collection using existing or strategically placed piping and tanks, with periodic pump out; and
- Membrane and gravel cover areas

Based on available information, the current approach for the Inland Parcel tar scab area is to maintain current conditions and limit exposure to subsurface or surficial contamination. No additional remedial actions are currently planned.

iii. Free-Phase Petroleum Product (NAPL) and Groundwater Contamination

In 2012, a NAPL evaluation was conducted to provide an up-to-date data set on water levels and NAPL thickness in existing monitoring wells to support the assessment of potential remedial and redevelopment plans. This was achieved by gauging wells with an oil interface probe to determine NAPL presence, location, and thickness; and by collecting samples of NAPL to distinguish between light NAPL (LNAPL), which is less dense and floats atop the groundwater table, and dense NAPL (DNAPL) which sinks below the surface of the groundwater table. These tests found

that most wells with DNAPL are situated along the Shoreline Parcel and run parallel to the shoreline. LNAPL was measured in one monitoring well and observed in six test pits and found in similar areas as the DNAPL, with the addition of one location within the Inland Parcel.

iv. Soil Vapor Contamination

Contaminants may exist in the soil vapor throughout the Site, as is typical with former industrial properties. The contaminants that may be encountered in soil vapor at former MGP sites are well defined and generally related to residual coal tar. They principally contain various VOCs, which have the potential to volatilize into the ambient air and be present in the gaseous state. The presence of some MGP residuals can cause distinctive odors that are similar to “mothballs” or “asphalt sealer.”

e. Site Reuse Plan and Project Goals

Maine lacks a state-of-the-art cold storage facility with good transportation options. Most of the food products that originate in Maine are being shipped directly to customers or to cold storage facilities in Massachusetts and Canada. A cold storage and seafood processing facility linked with the transportation assets at the adjacent International Marine Terminal would strategically fill the growing opportunity for a Northern New England refrigerated logistics facility.

Therefore, the Maine Port Authority and State of Maine intend to develop a cold storage facility at the Site. Such a facility sited adjacent to the state’s only container terminal has been a top priority for state and local officials for years. A modern temperature-controlled facility could make the International Marine Terminal more competitive; benefit local food, beverage and biomedical producers; and secure connections from Maine to international markets through shipping routes provided by Eimskip, the Icelandic shipping company, who has elected to site their U.S. headquarters in Portland.

The goals of creating a cold storage facility at the Site are summarized below:

- Provide a state-of-the-art cold storage facility that supports the growth of the Maine Port Authority’s throughput volume of domestic, import, and export refrigerated commodities;
- Attract new refrigerated and frozen cargo customers for the International Marine Terminal;
- Optimize the use of available transportation infrastructure including rail, trucking, and ocean liner shipping services;
- Support the development and growth of Maine’s food and beverage industry;
- Design, develop, and operate the facility in a manner that is protective of human health and the environment and so that it complies with applicable environmental regulations and restrictions, and;
- Maximize the direct and indirect economic benefit from the operation of the cold storage facility to the local community and state; and

This proposed reuse aligns with master planning efforts conducted by the City of Portland and complies with the intent of the Waterfront Port Development Zone, which is to facilitate the transport of goods by water to and from Portland in order to ensure the continued viability of the Port of Portland.

2. APPLICABLE REGULATIONS AND CLEANUP STANDARDS

Cleanup oversight will be provided by a Qualified Environmental Professional to be selected through a competitive procurement process in coordination with the MEDEP VRAP program. Final cleanup documents produced during the project will be submitted to the MEDEP.

a. Cleanup Standards for Major Contaminants

Cleanup activities will be conducted to meet the current MEDEP RAGs using the construction worker and commercial worker exposure scenarios. However, it is possible that site-specific risk-based cleanup standards will be generated for compounds of concern, in accordance with MEDEP guidelines.

b. Laws & Regulations Applicable to the Cleanup

Laws and regulations that are applicable to this cleanup include the Federal Small Business Liability Relief and Brownfields Revitalization Act, the Federal Davis-Bacon Act, MEDEP RAGs, the terms of the existing MEDEP VRAP approvals, and by-laws of the City of Portland. Federal rules regarding procurement of contractors to conduct the cleanup will be followed.

In addition, all appropriate permits (*e.g.*, notify before you dig, soil transport/disposal manifests) will be obtained prior to the work commencing.

3. EVALUATION OF CLEANUP ALTERNATIVES

a. Cleanup Alternatives Considered

To address contamination at the Site, three different alternatives were considered, including:

- Alternative #1: No Action.
- Alternative #2: Selective Removal and Management In-Place – Remove contaminated soil to facilitate building construction and manage remaining contaminated media in-place.
- Alternative #3: Removal with Offsite Disposal – Remove and dispose all contaminated soil and recover and dispose contaminated NAPL/groundwater.

b. Cost Estimate of Cleanup Alternatives

To satisfy USEPA requirements, the effectiveness, implementability, and cost of each alternative must be considered prior to selecting a recommended cleanup alternative. These considerations are discussed below:

i. Effectiveness

(1) Alternative #1: No Action

No Action is not effective in controlling or preventing the exposure of receptors to contamination at the Site.

(2) Alternative #2: Selective Removal and Management In-Place

Selective removal would facilitate the redevelopment of the Site by allowing the proposed building to be constructed. Further, consistent with previous environmental investigations and MEDEP VRAP documentation, the proper management of remaining contamination in-place is an effective way of reducing risk to future human and environmental receptors. Engineered barrier systems would be installed to reduce the risk of direct contact with remaining materials by future

construction workers. These systems could also reduce the risk of contaminant migration, which often results in impact to environmental receptors.

In addition, vapor intrusion risk will likely require the installation of a sub-slab depressurization system during the construction of the proposed cold storage building. This system will need to be designed to reduce vapor intrusion risk within the building, specifically in the areas of food and sensitive product storage as well as office and support space that will be occupied by commercial workers.

Finally, institutional controls in the form of land use restrictions will need to be recorded on the deed to prevent residential use of the property and the extraction of groundwater.

(3) Alternative #3: Removal with Offsite Disposal

Removal with Offsite Disposal is an effective way to eliminate risk at the Site, since contamination will be removed, and the exposure pathways will no longer exist.

ii. Implementability

(1) Alternative #1: No Action

No Action is easy to implement since no actions will be conducted.

(2) Alternative #2: Selective Removal and Management In-Place

Selective Removal and Management In-Place is relatively easy to implement. Selective removal is often conducted during building construction projects and, aside from worker training and risk commination requirements, should be executable by available local contractors. Ongoing monitoring and maintenance of the engineered barrier system will require periodic coordination and reporting. It is likely that this work may be completed by the future operator of the facility with the support of an environmental professional. This alternative also requires the installation and maintenance of a sub-slab depressurization system and the implementation of a land use restriction on the property. Both of these actions are common during the redevelopment of Brownfields sites and are not expected to present technical implementability challenges.

(3) Alternative #3: Removal with Offsite Disposal

Removal with Offsite Disposal may be difficult to implement. Existing geology, including the variability of the clay and bedrock surfaces, would probably make the substantially complete removal of NAPL very challenging. In addition, much of the contamination is located around and below deep subsurface structures that will be difficult to access and remove, and would require large-scale excavations that could result in greater risk to public safety and the environment.

iii. Consideration of Adverse Impact from Potential Extreme Weather Events

Though the site is located along a body of water, the Fore River is a tidal river that is well protected from storm surge. However, the site may be subject to the effects of sea level rise in the long term. Considering this, Alternative #1: No Action includes no changes from current conditions and is not expected to address future changes or extreme weather events. Alternative #2: Selective Removal and Management In-Place and Alternative #3: Removal with Offsite Disposal both include removal of contaminated media and restoration/stabilization of remaining site conditions. In addition, both options would be subject to local site design standards that require the management of stormwater and provisions for potential flooding events. Therefore, both of these options are expected to be reasonable protective of risks from potential extreme weather events.

iv. Cost

Alternative	Preliminary Estimated Cost
Alternative #1: No Action	\$0
Alternative #2: Selective Removal and Management In-Place	\$690,000
Alternative #3: Removal with Offsite Disposal	\$3,110,000

c. Recommended Cleanup Alternative

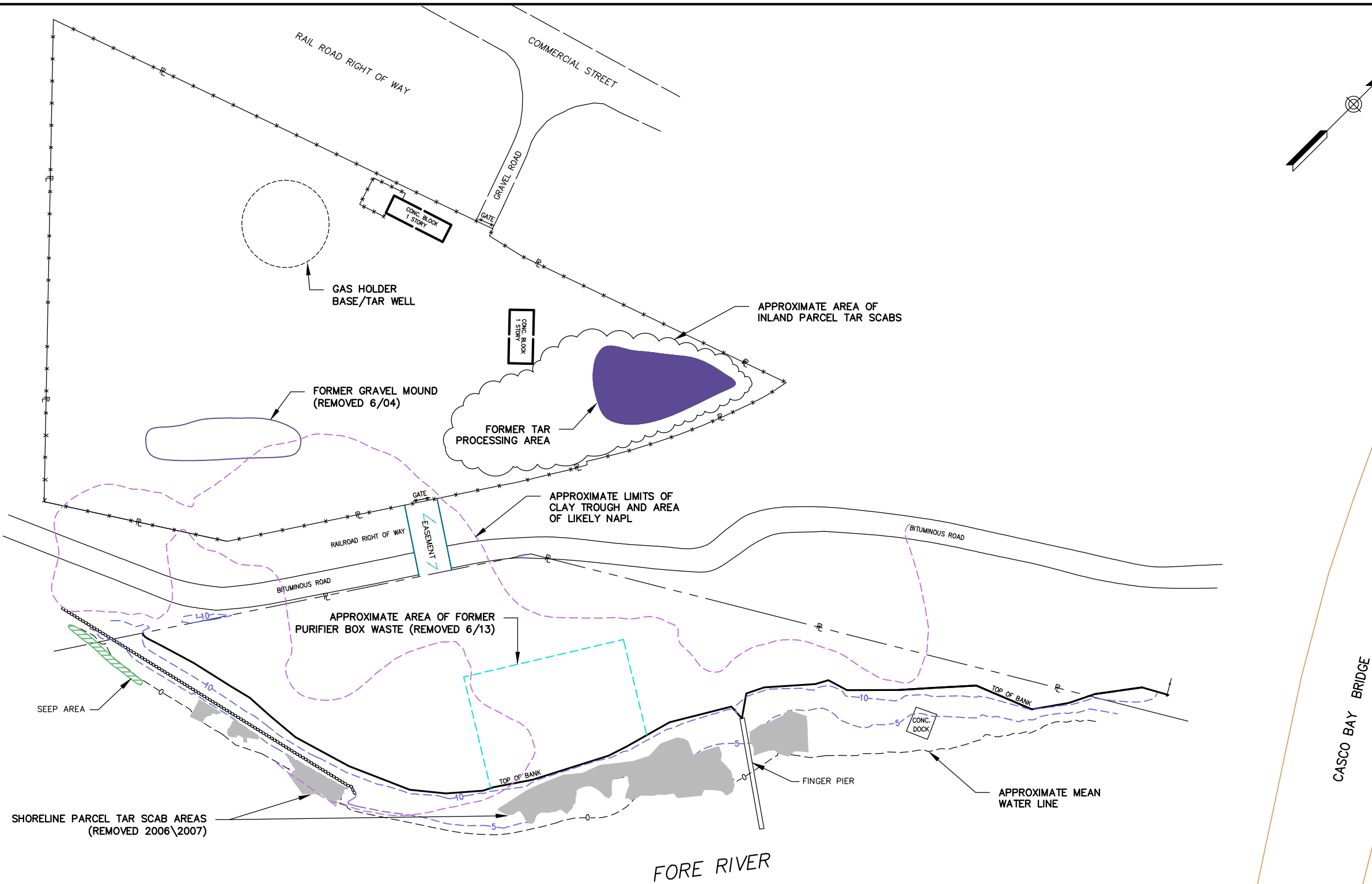
Alternative #1: No Action cannot be recommended since it does not address Site risks.

Alternative # 2: Selective Removal and Management In-Place is expected to be effective at reducing risk and would likely be feasible to implement.

Alternative #3: Removal with Offsite Disposal would be effective in that it would eliminate the sources of contamination. However, the increased difficulty in implementing this alternative combined with the added cost (4.5 times those of Alternative #2) are not justified by the potential for risk reduction, as Alternative #2: Selective Removal and Management In-Place is also expected to be effective at reducing risk to human and environmental receptors.

For these reasons, the recommended cleanup alternative is Alternative #2: Selective Removal and Management In-Place.

Q:\212315 Northern Utilities - POW Site\Drawings\NU-site overview.dwg 212315-U3-SourceAreas.dwg

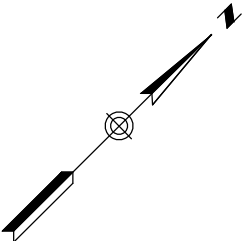
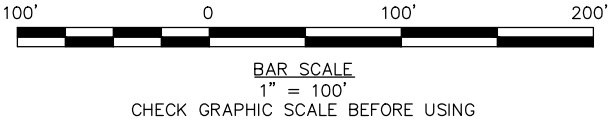


LEGEND

- PROPERTY LINE
- EXISTING CONTOUR
- FENCE
- STONE RETAINING WALL
- SHORELINE PARCEL TAR SCAB AREAS (REMOVED 2006/2007)
- AREA OF PURIFIER BOX WASTE (REMOVED 6/13)

NOTES:

- COORDINATES FROM G.P.S. NAD-83, MAINE STATE GRID SYSTEM, WEST ZONE.
- PLAN INFORMATION DIGITIZED FROM A PLAN OF PROPERTY PREPARED FOR NORTHERN UTILITIES BY H.I. & E.C. JORDAN - SURVEYORS DATED MAY 15, 1981 AND FROM FIELD SURVEY BY OWEN HASKELL, INC. JUNE 1999.



**SITE FEATURES AND REMAINING
POTENTIAL SOURCE AREAS**

MAINE PORT AUTHORITY
PORTLAND, ME

IMT WEST COLD
STORAGE FACILITY

JOB NO: 212315.01
DATE: JUNE 2015
SCALE: AS NOTED

FIGURE 1



41 Hutchins Drive
Portland, Maine 04102
800.426.4262 | www.woodardcurran.com

COMMITMENT & INTEGRITY DRIVE RESULTS

NARRATIVE/RANKING CRITERIA

1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION

a. Target Area and Brownfields

i. Background and Description of Target Area

Since its founding in 1632, Portland has served as the gateway for manufacturing and transporting Maine's bounty of fish, farm, and forest products throughout the world and our ice-free deep harbor is closer to Europe than any other urban U.S. port.

Maine's cod fishery was once one of the strongest in the country, dwarfing the landings in England and France. However, overfishing and destructive technologies that were the norm in the 1950s destroyed the groundfishing industry. By 1995, the region's last cod spawning group had collapsed and in 2012, the U.S. Commerce Department declared a federal disaster as regulators slashed fishing quotas. These challenges resulted in huge job losses in our core industries, which have rippled throughout our economy and caused a shift away from manufacturing.

These declines in our fishing and waterfront manufacturing industries have burdened Portland's Working Waterfront, which is now characterized by aging infrastructure, blighted buildings, neglected and dilapidated wharfs, and legacy environmental issues such as old oil tanks, contaminated sediment, and industrial fill.

Though wrought with challenges, we intend to target cleanup activities in the Western Waterfront area of Portland, specifically along the Waterfront Port Development Zone and within Census Tract 3. This area is an industrial tract situated between Commercial Street and the Fore River. Uses within this zone include ship repair, marine construction, bulk warehousing and shipping, and vacant former industrial land. Targeting this area will help reduce contamination and return the industry, vitality, and economic potential that was once enjoyed by our community.

The scope of the cleanup described in this application is needed to execute our reuse strategy. The cleanup approach is a known component of the proposed project and aligns with the reuse strategy discussed in the sections below. Further, the scale of the project has been studied in detail and the requested cleanup funding is appropriate relative to the overall project budget.

ii. Description of the Brownfield Site

The brownfield site associated with this application is a section of industrial land located at 40 West Commercial Street in Portland, Maine. This approximately 21-acre property contains two parcels and is positioned **within the floodplain and directly adjacent to the Fore River**, which feeds into Portland Harbor. The site was historically operated by the Portland Gas Light Company between 1852 and 1965. During this time, coal was delivered to the Site by ship and rail and then converted into coal gas. This gas was then distributed to the homes and businesses throughout Portland for lighting and heating. In 1965, Portland Gas ceased operations and the gas plant was decommissioned. A natural gas/propane distribution facility then occupied the site until 2016, and the site has been unoccupied with no structures present since that time.

The site and vicinity were in industrial use for over 100 years. Coal ash, debris, and concentrations of polycyclic aromatic hydrocarbons (PAH) and other semi-volatile organic compounds (SVOC), volatile organic compounds (VOC), and metals are associated with soil located throughout the site. Groundwater has also been impacted by SVOC and VOC and areas of non-aqueous phase liquid have been identified in certain areas of the site. Finally, soil vapor contains VOCs from the underlying contaminated soil and groundwater. Though the contamination is not severe enough to prohibit reuse, the site must be remediated for this project to proceed.

b. Revitalization of the Target Area

i. Redevelopment Strategy and Alignment with Revitalization Plans

A key component of Maine's identity and our economy are our natural resources. Our forests, fields, streams, and oceans produce food that is of the highest quality and enjoyed across the world. Since 2013, the Maine Port Authority's (MPA) International Marine Terminal (IMT) has seen a significant increase in the volume of shipping containers passing through the Port of Portland, which presents an important opportunity to connect Maine's products with markets across the country and across the world. However, for over 20 years, Portland has recognized the unfulfilled need for a cold storage facility that could serve our farmers and fishermen. Without adequate cold storage, Maine's perishable products must be shipped out of state for storage and distribution, which hurts our competitiveness, causes increased environmental impact, and prevents us from realizing opportunities to grow our economy and provide jobs.

The subject site of this application is one of the few remaining areas on Portland's Waterfront that is available for industrial development. Further, its deep-water access and immediate proximity to the IMT (the only container port in Maine), offer a gateway to international markets by sea, air, interstate, and rail. Therefore, the redevelopment strategy for this site is to complete the necessary cleanup activities and then **develop a modern and efficient cold storage facility**. This facility will be operated by the MPA and used to safely store and distribute a wide range of temperature sensitive products. Such a development will provide Maine's food, beverage, and biopharmaceutical industries improved **access to national and international markets**.

In addition, the proposed reuse is aligned with the City of Portland's 2017 comprehensive plan. This comprehensive plan highlights the following goals, which directly support the proposed reuse strategy:

- Maintain and modernize infrastructure to support Working Waterfront and port capabilities;
- Promote development of cold storage warehousing to support a competitive Port of Portland by improving capacity to serve the cargo needs of the seafood, agriculture, food manufacturing and beverage industries of northern New England.

Finally, it is relevant to note that the area of the site was rezoned in 2017, through an extensive public process, to allow the development of the proposed cold storage building and similar marine-dependent uses. Therefore, the site reuse strategy is supported by the public, aligns with local land use ordinances, and is integral to the success of the community-wide revitalization plan.

ii. Outcomes and Benefits of Redevelopment Strategy

The economic impact of a cold storage facility at the site has been studied in detail over the past several years. The **direct annual impact of the proposed facility in salary and taxes is projected to be \$1.25M**. In addition, the new facility is expected to create **168 construction jobs and up to 71 permanent positions**. In addition to direct impacts, the Maine Office of Policy and Management estimated that the annual indirect operational, economic, and environmental impacts of this project will add **959 jobs and over \$170M** to our economy.

Further, multiple studies have shown that Maine's economic future lies in food and beverage and related economies, and cold storage capacity is needed to grow these categories. Research completed by the University of Southern Maine demonstrates that for every 1,000 cubic feet of cold storage in a state, the food industry's capacity to contribute to GDP increases by \$303,000. **Therefore, based on the proposed size of the cold storage facility, this project has the potential to add over \$218M in GDP growth by 2025.** This projection is especially relevant as it

demonstrates growth potential that cannot be realized unless the currently limited capacity of cold storage options in northern New England is increased. Without this project, this huge economic opportunity may go unrealized.

Development of a cold storage facility at the site will also help secure continued container shipping connections to national and international markets. The IMT currently serves as the US headquarters of Eimskip, the leading transportation company in the North Atlantic. Eimskip has identified time and cost-efficient cold storage as a key customer demand and an important factor in their long-term relationship in Portland. Therefore, completing this project successfully will be **crucial to maintaining Maine's access to the North Atlantic, European, and Asian markets.**

Finally, cold storage facilities incur high energy costs, so maximizing the efficiency of the large refrigerated space is critical for achieving a competitive cost structure. Therefore, the design of the proposed building is expected to include **roof-top solar, heat recovery systems, and ultra-efficient refrigeration equipment and lighting.** These energy efficient elements will be complemented by the proximity of the site to logistics connections, which will lower emissions and infrastructure demands, the overall outcome being reduced environmental impact.

Consistent with these completed research efforts and projections, the outcomes of this project will directly correlate with the redevelopment strategy for the site, which will result in significant economic benefit, continued opportunity to showcase Maine's products on a worldwide stage, and thoughtful and sustainable measures to increase efficiency and protect our natural resources.

c. Strategy for Leveraging Resources

i. Resources Needed for Site Reuse

The MPA, Maine Department of Transportation (MDOT), and the U.S. Department of Transportation (US DOT) have **invested over \$60M in the IMT the past three years.** Improvements have included the ability to load containers directly onto rail cars with connections to PanAm Railway; a secure 24-hour drop and hook access lot; and doubled cross-dock container service capacity. The proposed cold storage facility and its users are positioned to benefit from these investments and the growth potential of Maine's domestic and export economies.

However, due to the environmental history of the site, the State of Maine and MPA need the requested brownfields grant to close a funding gap and make this project viable. This project is located on a brownfields site with a heavy industrial history, and its development is more expensive and higher risk than other projects. Based on construction cost estimates, the development project includes approximately \$700,000 in cleanup burden and a total budget of \$28M.

If the requested Brownfields funding is secured, it will catalyze the opportunity for the MPA to leverage additional funding in order to complete the cleanup of the site and the development project, including additional cleanup costs that exceed the brownfields cleanup funding limitations. It is important to note that the financial resources listed below have been or will soon be secured, and the MPA is eligible to receive them, as evidenced by the appended letter:

- \$8M included in the 2018 MDOT work plan for the development of the cold storage facility;
- \$8M in eligible state and federal New Market tax credits that are currently being solicited; and
- \$11.3M in private investment and/or loans with strong interest from investors and lenders.

Consistent with the details presented above, **the MPA is firmly committed to developing the proposed cold storage facility.** In addition, the vast majority of the funding necessary to complete the cleanup and development project have been secured or are expected to be committed shortly.

As such, the requested brownfields grant funding will be an essential tool in the reduction of the financial burden caused by contamination at the site and will play a crucial role in the viability of this project. The small amount of funding gap remaining for the project is expected to be resolved in the near future through additional private investment or commercial loans.

ii. Use of Existing Infrastructure

The proposed cold storage facility site is optimally suited to reuse and benefit from existing infrastructure. A 2015 Engineering Evaluation reported that it has more existing natural gas, electrical, and water/sewer capacity than will be needed for the proposed building. The site is also located adjacent to the IMT and within 5 miles of the Portland International Jetport, which provide connectivity to air, sea, rail, and highway. Therefore, the project site is in an excellent location to facilitate a cold storage operation that will utilize existing utility and transportation infrastructure.

2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT

a. Community Need

i. The Community's Need for Funding

The target area for the requested brownfields cleanup funding is the Waterfront Port Development Zone, located along Portland's the western Waterfront and within Census Tract 3. Based on current American Community Survey data, target area residents suffer under a 10.9% unemployment rate, a 33.4% poverty rate, and a median household income of just \$20,067. In addition, 29.0% of households in the target area receive food stamps. These economic factors document the target area community's inability to draw on other initial sources of funding to carry out the cleanup and subsequent development of the proposed cold storage facility.

In addition, the MPA's modest annual operating budget cannot accommodate the necessary cleanup costs. Further, the State of Maine is not in a position to draw on other sources of funding. For example, Maine is one of the top 10 states with severe infrastructure condition and upgrade needs, energy costs are 27% above the US average, and the corporate tax burden is 16% above the national average.

In summary, the fiscal realities of our community limit our ability to draw on other sources of funding or raise taxes to complete the cleanup and redevelopment of the site, and brownfields assistance is absolutely necessary for this project to move forward.

ii. Threats to Sensitive Populations

(1) Health or Welfare of Sensitive Populations

The target area of the proposed cleanup is located within Census Tract 3, which has a 17.6% minority rate and a 17.7% foreign born population. In addition, 38.2% of residents are burdened with disabilities, and 33.4% live below the poverty line. (American Community Survey) Therefore, the target area is home to our City's most sensitive minority, low-income, and disabled residents, which are disproportionately impacted by environmental challenges as they often lack the ability to move out of the community and may also be underrepresented in municipal decision making. In addition, the proximity of dense housing to the site demonstrates the potential for children and pregnant women to be exposed to contamination.

Much of Portland's Waterfront was built on fill and late in the 20th century and, specific to the proposed site, massive coal gasification plant operations occurred directly adjacent to residential neighborhoods. As a result, lead, SVOC, and PAH-impacted debris pervades throughout the target area. In fact, through a U.S. Environmental Protection Agency (USEPA) Community Cares grant, Portland ranked lead contaminated soil a top priority.

The proposed development includes removal of contaminated soil, management of soil vapor and contaminated groundwater, and the covering and maintenance of the surface of the site. All these measures will minimize the risk of exposure to remaining conditions and the offsite migration of contaminated dust. These efforts will directly reduce the threat of health impacts to the sensitive residents in the target area.

(2) Greater Than Normal Incidence of Disease and Adverse Health Conditions

Although many industries and manufacturing uses have disappeared in Portland, a legacy of contaminated dust and air impacts remain. A recent American Lung Association report found that Maine also has lung cancer rates that are 30% higher than the national average and of all the states, Portland also has a higher incidence of lung cancer than other areas in Maine and the U.S., with a death rate of 256 per 100,000 population compared to 242 for Maine and 184.9 in the U.S. Additionally, Maine has some of the highest rates of asthma in the country with 11.7% of adults currently having asthma compared to 8.9% nationally. Even worse, the prevalence of asthma in the Waterfront target area ranges from 33.4-35.7 cases per 1,000 people, which is 15% higher than the state. (Maine CDC)

Though coal gasification and environmentally indiscriminate industrial uses have ceased in our target area, the resulting contaminated surficial soil and dust have the potential to continue to contribute to increased rates of lung cancer and asthma in our community. An effective means of managing these risks will be achieved through the proposed cleanup and development, whereby contaminated materials will be properly managed during construction and remaining surficial soil will be covered and maintained. This will reduce contaminant inhalation risk for our residents and should help to reduce our rates of lung cancer, asthma, and other adverse health conditions.

(3) Economically Impoverished/Disproportionately Impacted Populations

As highlighted in previous sections, the poverty and minority rates in the target area are significantly higher than state and national averages. According to the USEPA's EnviroMapper, there is also a high concentration of regulated air, water, waste, and toxics sites along the Waterfront. This correlation demonstrates the disproportionate impact of brownfields sites on this area's low-income and immigrant populations. By contrast, North Deering, the city's wealthiest neighborhood, which is 99% white, contains no regulated sites.

In addition, simply walking around the target area, one can see examples of disproportionate impacts experienced by the community. For example, the Casco Bay bridge carries approximately 32,000 vehicles a day over the Fore River between Portland and South Portland and huge oil tanks and marine terminals make up the skyline. These heavy industrial uses as well as the swaths of vacant land attract crime, reduce property values, and disenfranchise of residents.

Though the proposed project will not remove bridges or oil terminals, it will transform a vacant and derelict piece of land into a modern and efficient logistics facility. Such a facility will be a source of pride for the community. Further, replacing an overgrown lot with a well-lighted facility that will provide direct and indirect jobs and economic growth will go a long way to reducing crime and improving the well-being of our residents.

b. Community Engagement

i. Community Involvement

Waterfront Alliance: Tom Meyers, 207-310-1726, tommeyers72@gmail.com
Advocating for the health and sustainability of the Port of Portland's infrastructure, the Waterfront Alliance will create a place for open discussion to build understanding and

consensus for this project. This group's members include businesses and the public. They will assist with advertising public meetings and stakeholder outreach to solicit input on cleanup and future development plans at the site.

Greater Portland Council of Gov'ts: Tony Plante 207-774-9891 x216, tplante@gpcog.org

This regional planning agency and experienced brownfields grant recipient will provide assistance with environmental data collection, soliciting reuse planning input, and helping to communicate project progress as well as future results of the cold storage development.

Pierce Atwood: Christopher Howard, 207-791-1335, choward@pierceatwood.com

Pierce Atwood will assist with project funding by providing legal and financial advice regarding New Market Tax Credits. Note that this firm is not expected to provide professional services to carry out the grant.

ii. Incorporating Community Input

Our plan to inform and involve the community during the planning and implementation of the cleanup and development of this site was designed to be consistent with identified community needs. As such, we utilize MPA's website and the websites and distribution lists of the Waterfront Alliance. For citizens without access to the Internet, particularly low-income residents who live near and adjacent to the project site, we will reach out with flyers posted in the neighborhood. Finally, for those community members who may not be able to read materials printed in English, we will work with the City of Portland Refugee Services, who can assist with translation.

We will conduct public meetings prior to the initiation of cleanup, during cleanup if concerns are identified by the public, and at the completion of the work. Meetings will be advertised using the outreach methods described above. Input will be solicited during the meetings and via MPA's website, and may be received either in person, by phone, or by email/web form submission. If necessary, meetings may be held at cultural gathering centers to encourage participation. At these meetings, we will also discuss measures that will be used to protect human health and the environment during cleanup. City of Portland Refugee Services will also be available for meetings to assist with translation if needed. In addition, there will be supplemental opportunities for public engagement triggered by City ordinance, e.g., during site plan review.

3. TASK DESCRIPTIONS, COST ESTIMATES AND MEASURING PROGRESS

a. Proposed Cleanup Plan

The proposed cleanup plan has been developed based on a detailed understanding of site history, existing conditions, and intended reuse. Prior to implementation, permitting will be completed in accordance with local, state, and federal requirements. After that, there are three principle categories of contaminated media that will be addressed during cleanup. These include:

- Soil contaminated by coal ash, heavy metals, PAH, and SVOC: Approximately 4,500 tons of excess contaminated soil is expected to be generated during site grading, installation of utilities, and building construction. This material will be excavated by qualified and properly trained environmental service providers and, following proper characterization, will likely be acceptable for treatment or disposal at an appropriate receiving facility. Hazardous characteristics have not been identified during previous investigations, so it is likely that excess material may be disposed at a nearby state-licensed facility, which will result in lower soil transport related diesel emissions. Following soil removal, direct contact exposure risk will be managed through engineered barrier systems, which will also reduce the potential for remaining conditions to migrate offsite. These barriers will align with the construction design

and facilitate the future operation of the cold storage facility. Controls will be used during excavation and soil handling to minimize dust and offsite contaminant migration.

- Contaminated groundwater including non-aqueous phase liquid: Based on the existing geology at the site and the structural requirements of the proposed building, it is likely that the foundation will require support by pilings. Careful engineering design and cleanup monitoring will be employed to reduce the risk that pile installation will exacerbate existing groundwater contamination. In addition, contaminated groundwater that must be removed to facilitate the performance of cleanup activities will be properly characterized, managed, and disposed.
- Soil vapor impacted by existing groundwater contamination and/or overburden sources: Considering the planned reuse of the site as a staffed facility to store perishables and food products, sub-slab vapor venting and vapor barriers will be incorporated into the building. These systems will reduce the risk of impact to workers and/or the stored products.

All of the activities described above have been designed and are planned for as part of the cold storage cleanup and development project. There are no anticipated barriers to beginning as soon as funding is available and once complete, the proposed contaminant removal and engineering controls will immediately benefit the community by reducing the risk of exposure.

b. Description of Tasks and Activities

A list of tasks to implement the proposed project follows. Task leads are presented in parenthesis:

- 1. Cooperative Agreement Oversight (MPA):** This task will begin with the selection of a QEP, which is expected shortly after a successful grant award. A request for qualifications will be distributed to environmental professionals located in southern Maine and will also be publicly advertised. Procurement of a QEP will be based on a competitive selection process in accordance with federal requirements. A contract is expected to be finalized with the selected QEP by the late fall of 2019. MPA will also conduct grant programmatic activities and direct administrative tasks (e.g., ACRES reporting, processing payment requests) throughout the grant performance period as required by the cooperative agreement. Finally, this task includes travel to a USEPA Brownfields conference by MPA.
- 2. Community Outreach (MPA with support from the QEP):** Following selection of a QEP, MPA will develop a Community Involvement Plan (CIP). We will then advertise and hold a public meeting to present the findings of the draft Analysis of Brownfields Cleanup Alternatives (ABCA) and solicit input on the proposed remediation and development. This meeting will occur in by the end of 2019. MPA will also hold a final public meeting following the completion of the cleanup tasks to receive feedback on the completed work and input on the future operation of the facility. In addition, cleanup progress will be communicated to the public through updates on the MPA website, which will also allow for the submittal of comments or concerns. Though no meeting is scheduled during the cleanup, one will be held by MPA if the need for such a meeting is communicated by the public.
- 3. Cleanup (QEP with support from MPA):** Considering the input received from the public meeting, the QEP will finalize the ABCA and work with the Maine Department of Environmental Protection (MEDEP) to update the existing voluntary cleanup approval. The QEP will also prepare a Remedial Action Plan (RAP) and a site-specific Quality Assurance Project Plan (SSQAPP). The QEP will work with the MEDEP and USEPA to complete the technical review of these deliverables. These activities will be completed in the early spring of 2019. MPA and the QEP will then work to finalize design, complete permitting, and prepare cleanup contract documents. After that, MPA will competitively procure a qualified

remediation contractor. This may occur concurrently with the selection of a construction firm to build the cold storage facility and is expected to be complete by the summer of 2019. Following cleanup contracting, MPA and the QEP will oversee the performance of remediation efforts in accordance with the RAP, including onsite documentation and attendance at regular progress meetings. Environmental monitoring will be conducted by the QEP during cleanup to ensure protection of the community and nearby environmental resources. Active remediation is expected to span between the summer of 2019 and the end of 2020.

4. **Closure (QEP with support from MPA):** Following the receipt of acceptable confirmatory samples, the QEP will prepare a completion report for submittal to MEDEP. Pending any received comments, the QEP will prepare the necessary deed restriction and a long-term environmental management plan, which will be used during the future operation of the cold storage facility. Legal filings will be reviewed by MPA's counsel. This work is expected to be complete by the summer of 2021. MPA will then complete final ACRES and closeout reporting per the cooperative agreement. This task is expected to be complete by 12/31/21.

Note that the cost of the engineered barrier and vapor mitigation included in the cleanup plan exceeds the funding limit of the requested grant. Therefore, these systems will be installed by MPA during the cleanup effort **as a direct contribution of capital for eligible cleanup activities to fulfill the required cost share of \$100,000**. No in-kind services are anticipated for this project and MPA is not aware of other resources required to complete the grant activities.

Consistent with the task descriptions and timeframes presented above, and the expected development scope, our approach is realistic and will be complete w/in the period of performance.

c. Cost Estimates and Outputs

Task cost estimates and anticipated project outputs are presented below. **Please note that all the outputs detailed below will be achieved within the 3-year period of grant performance.**

Budget Categories		1. Cooperative Agreement Oversight	2. Community Outreach	3. Cleanup	4. Closure	Total
Direct Costs	Personnel	\$ 5,000	\$ 1,800	\$ 1,400	\$ 2,500	\$ 10,700
	Fringe Benefits (40%)	\$ 2,000	\$ 720	\$ 560	\$ 1,000	\$ 4,280
	Travel ¹	\$ 3,500	\$ -	\$ -	\$ -	\$ 3,500
	Equipment ²	\$ -	\$ -	\$ -	\$ -	\$ -
	Supplies	\$ -	\$ 1,020	\$ -	\$ -	\$ 1,020
	Contractual		\$ 6,800	\$446,900	\$ 26,800	\$480,500
	Other	\$ -	\$ -	\$ -	\$ -	\$ -
Total Direct Costs ³		\$ 10,500	\$ 10,340	\$448,860	\$ 30,300	\$500,000
Indirect Costs ³		\$ -	\$ -	\$ -	\$ -	\$ -
Total Federal Funding		\$ 10,500	\$ 10,340	\$448,860	\$ 30,300	\$500,000
Cost Share ⁴		\$ -	\$ -	\$100,000	\$ -	\$100,000
Total Budget		\$ 10,500	\$ 10,340	\$548,860	\$ 30,300	\$600,000

1. Cooperative Agreement Oversight

- a. Personnel: MPA project manager, procure QEP, programmatic tasks (\$35x80+fringe)
MPA executive director, procure QEP, programmatic tasks (\$55x40+fringe)
 - b. Travel: 2 MPA staff, 1 Brownfields conf. (\$1,750 airfare/lodging/meals/per diem each)
- Outputs: attending the Brownfields conference, securing a QEP contract.

2. Community Outreach

- a. Personnel: MPA project manager, update website, attend 2 public meetings (\$35x20+fringe)
MPA executive director, prepare for / attend 2 public meetings (\$55x20+fringe)
- b. Supplies: Advertising, posters, meeting handouts for 2 public meetings (\$510 each)
- c. Contractual: QEP, prepare for and attend 2 public meetings (\$170x40)

Outputs: website updates, public meeting minutes and meeting materials.

3. Cleanup

- a. Personnel: MPA project manager, attend 10 progress meetings (\$35x40+fringe)
- b. Contractual (grant): soil removal/disposal (\$81 x 4,500 tons), engineered barrier (\$50,000), ABCA/RAP/SSQAPP (\$12,000), QEP field documentation (\$170x120)
- c. Contractual (cost share): engineered barrier and vapor mitigation system (\$100,000)

Outputs: Waste disposal documentation and facility receipts.

4. Closure

- a. Personnel: MPA project manager, complete grant closeout tasks (\$35x40+fringe)
MPA executive director, review closure docs/deed restriction (\$55x20+fringe)
- b. Contractual: legal review of closure docs/deed restriction (\$220x40), Cleanup Completion Report (\$7,800), QEP final inspections, draft deed restriction / cert of completion (\$170x60)

Outputs: Grant Records, Completion Report, Deed Restriction, MEDEP Certificate of Completion.

d. Measuring Environmental Results

The MPA will develop a work plan and project schedule prior to the start of the project. The schedule will be consistent with the timeframe of the grant to ensure that the funds are expended in a timely and efficient manner. Quarterly progress reports will be prepared and posted to ACRES. These reports will include a listing of next steps and a notation of whether or not the project is on schedule. They will also include an indication of which progress goals are being or have been met based on current status. The timely achievement of project outcomes will be facilitated by the close relationship between the cleanup project and the cold storage construction project, which will be administered by experienced construction managers working in concert with a qualified MPA project team who has a history of completing grant funded capital improvement work on time and on budget. Should any issues arise, the MPA will communicate them with EPA in a timely manner and it will be indicated whether or not the issue impact schedule. Also, important to being able to measure and achieve results, is health and safety. The MPA will work with the QEP and other project team members to ensure that health and safety is included in the work plan. Consistent with the nearby sensitive populations noted previously, we anticipate careful site control (fencing, signage, dust control, etc.) to prevent the public from coming into contact with on-site contamination. Signage will be printed in multiple languages as appropriate for the neighborhood.

4. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE

a. Programmatic Capability

i. Organizational Structure

The MPA has received and managed numerous federal grants for various projects. We will draw on our experienced staff who have the capacity to successfully manage and complete the Cleanup grant within the 3-year period of performance. To be efficient, we will utilize two team members who will follow the previously mentioned work plan and schedule. The MPA team will draw on experience from managing a FAST Lane grant from US DOT and several Homeland Security Grants. Key Team Members that are in place and ready to manage the project include:

Program Manager: Jon Nass is the CEO of the Maine Port Authority. His background as an attorney and his two decades of experience in government management, reform and oversight in areas of homeland security, transportation, education, natural resources, energy, emergency management and state government operations will be helpful during this site cleanup process. Jon will have overall management responsibility for the cleanup grant.

Project Manager: Michael Carter is a Project Manager for the Maine Port Authority and has been managing various Federal Grant programs since 2014. Michael's responsibilities include drafting grant applications, grant administration and reporting, and project management. For this project, Michael will manage all programmatic grant requirements, complete ACRES updates and quarterly reporting, manage schedule and budget, coordinate with the QEP and other contractors, and will be the day to day grant manager. His advanced degree in mechanical engineering and intimate knowledge of the IMT operations and the project site make him well-suited for this role.

ii. Acquiring Additional Resources

The MPA will procure the services of a QEP and cleanup contractor(s) using our well-defined competitive qualifications-based solicitation process, which meets Federal procurement guidelines. As a state agency, MPA has successfully used this process many times in the solicitation of contractors and consultants. We also anticipate securing legal services for the review of the cleanup Certificate of Completion and deed restriction; however, the scale of these services are not expected to exceed the micro-purchase threshold. We expect that translation services may be provided through an existing City of Portland program. If additional unanticipated resources are needed, MPA will procure them in accordance with the terms of the cooperative agreement.

b. Past Performance and Accomplishments

ii. Has Not Received a Brownfields Grant but Has Received Other Federal Assistance

(1) Purpose and Accomplishments

As an agency of the State of Maine, the MPA has received and administered federal funding for several recent projects. A FAST Lane application was funded from the US DOT for \$12.5M for rail line improvements in the vicinity of the IMT and directly adjacent to the cold storage site. This grant was also used to purchase a new mobile harbor crane and reach stacker, and helped with costs associated with the removal of an existing building on the pier and pier infill work. In addition, this money is currently being used to build a new operations and maintenance center at the IMT. In addition, over \$1M in funding was received from the US Department of Homeland Security that was successfully used to implement security upgrades including cameras, access cards, and fencing at the IMT. MPA's port improvement and related infrastructure improvements relate directly to the cleanup of the cold storage site because they are part of the larger scale infrastructure that needs to be in place, functional, and reliable for the transport of goods to and from the proposed facility. In addition, these previously awarded and successfully administered federal funds demonstrate MPA's ability to manage the requested cleanup grant funding and provide additional positive outputs and outcomes.

(2) Compliance with Grant Requirements

The previously described Fast Lane and Homeland Security funding have been and are being managed per program requirements. The work has been and is being completed in accordance with work plans and meets the applicable programmatic requirements. The MPA is on track and showing progress for all of the funding received and anticipates achieving the expected results on time and within the applicable periods of performance for these programs.



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Janet T. Mills
GOVERNOR

Bruce A. Van Note
ACTING COMMISSIONER

January 29, 2019

Mr. Frank Gardner
EPA Region 1
5 Post Office Square
Suite 100, Mailcode: OSRR7-2
Boston, Massachusetts 02109-3912

Dear Mr. Gardner:

This letter is in support of the Maine Port Authority (MPA) grant application for Brownfields funding to assist with the cleanup and development of a cold storage facility at 40 West Commercial Street. Since 2009 the MaineDOT and the MPA have heavily invested in International Marine Terminal (IMT) and surrounding property in Portland (including the subject site of the Brownfields application) to redevelop the facility into a vibrant, modern container port with supporting multimodal connections.

Capital investments that will support the proposed cold storage development project total more than \$64M. These investments have already been made or are currently underway for a wide range of capital improvements. The summary below highlights the general focus of these investments:

Land acquisitions and relocations	\$ 23.9M
Upgraded buildings/landside improvements	\$ 10.1M
Wharf/waterside improvements	\$ 7.4M
Rail connection/Intermodal improvements	\$ 12.5M
Cranes/port support equipment	\$ 10.7M

With this type of investment the commitment of MaineDOT and MPA to the cold storage development project and the long-term growth and operations at the IMT is clearly shown and any Brownfields funding awarded is leveraged by significant investment on the part of the State of Maine.

If you have any questions please do not hesitate to contact me at nathan.moulton@maine.gov or (207) 624-3563.

Sincerely,

Nathan E. Moulton
Director, Office of Freight and Business Services



State of Maine c/o Maine Port Authority EPA Brownfields Cleanup Grant Application

Via Electronic Mail

January 28, 2019

Mr. Frank Gardner
EPA Region 1
5 Post Office Square
Suite 100,
Mailcode: OSRR7-2
Boston, MA 02109-3912

Dear Mr. Gardner,

The State of Maine c/o the Maine Port Authority plans to conduct cleanup activities at 40 West Commercial Street in Portland, Maine to facilitate the development of a modern and efficient cold storage facility. In support of our application for a FY19 Brownfield Cleanup Grant, we would like to document the funding that has been committed to this project and share the what we anticipate for additional funding for the cold storage development project from the Maine Department of Transportation and Maine Port Authority.

The total anticipated project cost is \$28M and the Maine Port Authority hopes to cover this amount with the following resources:

- \$8M included in the 2018 Maine Department of Transportation work plan to be used for the development of the cold storage facility at the site;
- \$8M in eligible state and federal New Market tax credits that are currently being solicited, and
- \$11.3M in private investment and/or traditional commercial financing with strong interest from investors and lenders.

It is important to note that the Maine Port Authority has the ability to issue municipal bonds, which may be used as a contingency to provide additional capital if needed.

As described above, the requested \$500,000 in EPA Brownfields Cleanup funding is a crucial component of the project and will help tremendously to close the financial gap caused by environmental contamination at the site.

Thank you for your consideration of this grant application. Please contact me should you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jon Nass". The signature is written in a cursive, flowing style. Below the signature is a horizontal line that extends to the right, ending in a small hook.

Jon Nass

Chief Executive Officer
Maine Port Authority