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June 10, 2009

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VIA FACSIMILE: 287-2814
Susan M. Lessard, Chair
Board of Environmental Protection
c/o Terry Hanson
17 State House Station
Augusta, Maine 04333-0017

Re: United States Surgical Corp. Mallinckrodt LLC

Dear Ms. Lessard:

Our office represents the Town of Orrington, Maine. On behalf of the Town of Orrington, Maine we are filing the enclosed Petition for Leave to Intervene in the matter of the Appeal to the Maine Board of Environmental Protection of Designation of Uncontrolled Hazardous Substance Site and Order for the Holtrachem Manufacturing facility in Orrington, Maine.

If you have any questions in connection with this petition, please do not hesitate to contact me.

Sincerely,



Edmond J. Bearor

EJB/leh

Enclosure

cc: Paul White, Town Manager (w/encl.)
David Van Slyke, Esq. (w/encl.)
Peter LaFond, AAG (w/encl.)

STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

UNITED STATES SURGICAL CORP.]
MALLINCKRODT LLC]
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CONCERNING CHLOR-ALKALI]
MANUFACTURING FACILITY]
ORRINGTON, PENOBSCOT CO, MAINE]
]]
PROCEEDING UNDER 38 MRSA § 1365]
UNCONTROLLED HAZARDOUS]
SUBSTANCE SITES LAW]

**TOWN OF ORRINGTON'S PETITION
FOR LEAVE TO INTERVENE**

The Town of Orrington, acting through its Board of Selectmen hereby petitions for leave to intervene in the above captioned matter. Following an investigation by the Department of Environmental Protection, the Commissioner of the Department of Environmental Protection issued an Order on November 24, 2008 to United States Surgical Corporation and Mallinckrodt, LLC, pursuant to 38 M.R.S.A. §1365, finding that mercury and other contamination at the Holtrachem Manufacturing facility site on the banks of the Penobscot River in Orrington, Maine, including site landfills posed a danger to public health, safety, and/or the environment; and requiring Mallinckrodt, as the responsible party, to remediate the site including excavation of the landfills and transport of the contaminated soils offsite to a disposal facility.

The Town of Orrington, acting through its Board of Selectmen seeks to participate as an Intervener in the proceedings to determine the appropriateness of the Commissioner's Order and the issues raised by Mallinckrodt on appeal.

All residents in the Town of Orrington are affected by the contamination at the Holtrachem Manufacturing facility and the alternative methods for clean-up of this site. Also, by virtue of a foreclosure of a municipal tax lien mortgage, the Town of Orrington owns property in the immediate vicinity of the site.

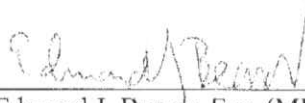
At the hearing the Town of Orrington would expect to present testimony from municipal officials and perhaps citizens of the community concerning the impact the contaminated site has upon the residents in the immediate area as well as the community at large. The Town of Orrington would expect to testify concerning the impact of the alternative methods of clean-up which might be proposed by Holtrachem as well as the impact of the proposed Remediation Plan contained in the November 24, 2008 Order of the Commissioner of the Department of Environmental Protection. Testimony will address the impact of the various remediation proposals on abutting land which the Town of Orrington eventually hopes to develop for commercial or industrial uses, impact on existing land uses in the immediate vicinity including commercial and residential uses; impact upon the only transportation corridor in and out of the

site, i.e., Route 15, which also serves as the main corridor for a large portion of the Town of Orrington's residents and will be significantly affected by the thousands of trucks hauling of contaminated soils over the road, as contemplated in the Commissioner's Order.

The Town believes that it is properly situated to provide testimony to the Board in deciding whether to continue, revoke or modify the Commissioner's Order, particularly with regard to the remedy.

Respectfully submitted,

Dated: June 10, 2009



Edmond J. Bearer, Esq. (ME Bar # 3904)
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