



JANET T. MILLS  
GOVERNOR



GERALD D. REID  
COMMISSIONER

**To:** Board of Environmental Protection

**From:** Naji Akladiss & David Wright, Bureau of Remediation & Waste Management

**Date:** January 23, 2020

**Re:** Seeking approval to obtain two real estate easements under the Uncontrolled Sites Law

Statutory and Regulatory Framework: The Uncontrolled Hazardous Substance Sites Law, 38 M.R.S. §§ 1364.7 provides in relevant part that “[t]he department may acquire . . . any interest in real property that the board in its discretion determines, by 2/3 majority vote, is necessary to conduct remedial actions in response to threats or hazards posed or potentially posed by an uncontrolled site...”

Description: The Department is proposing to obtain easements on two parcels adjacent to the Callahan Mine Superfund Site, in Brooksville, Maine. The Site meets the definition of an “uncontrolled hazardous substance site” under Maine’s Uncontrolled Sites Law because the commissioner found that hazardous substances, including arsenic, copper, lead, and zinc, are located at the Site; the Site poses a threat to human health and the environment; and action is needed to mitigate the threat. Specifically, a portion of the site remedy includes stabilizing the tailings dam and installing a cover system over the impounded tailings. This will prevent a catastrophic failure of the impoundment dam in an earthquake and will reduce heavy metals leaching into Goose Cove. However, to implement this portion of the remedy the easements are necessary to cross abutting properties and potentially locate a leachate treatment system. The Department has reached mutual, conceptual agreement with the abutting property owners to obtain easements for this work and is working out the details of the final language.

Site History: Ore was discovered at the Site in 1880, and it was mined from time to time until 1972. Callahan Mining Corporation operated an intertidal, open-pit mine at the 120-acre site from 1968 to 1972, leaving widespread contamination. On September 5, 2002, EPA added the Site to the National Priorities List of Sites to be cleaned up under 42 U.S. Code Chapter 103, Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA” or “Superfund”). In 2009 EPA determined the clean-up strategy for the Site in a Record of Decision, but then modified the remedy as documented in a 2013 Explanation of Significant Differences. Clean-up began in 2011. Significant work on remedying the tailings impoundment area is scheduled for the 2020 field season.

Requested Action: The Department is requesting that the Board, by at least a 2/3 majority vote, approve the Department’s purchasing of easements on two abutting parcels as necessary to implement the Callahan Mine Superfund Site remedy.

Estimated time of agenda item: 30 minutes

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

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