



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

AVERY T. DAY
ACTING COMMISSIONER

January 14, 2016

Mr. Bryan Olson
USEPA REGION 1 - New England
5 Post Office Square
Mail Code: OSR
Boston, MA 02109-3912

Re: Eastland Woolen Mill Superfund Site, Corinna, ME - Cooperative Agreement (V96129601) – Request for Credit towards DEP?

Dear Mr. Olson:

Enclosed is our application and supporting documentation for credit towards the Maine Department of Environmental Protection's 10% share of the response costs for the Eastland Woolen Mill Superfund site located in Corinna, Maine (Site). I trust that EPA will find that this information meets the requirements in paragraph 21 of the August 15, 2005 Superfund State Contract for this site, and the standards in 40 CFR 35.6285, which set forth the criteria under which EPA may award credits for State Actions. Specifically, that EPA will find that the State site-specific expenses that we are seeking credit for are: reasonable, documented, direct, out-of-pocket expenditures of non-Federal funds for remedial action, as defined in CERCLA section 101(24), and consistent with a permanent remedy at the site.

In 2002, EPA signed a Record of Decision (ROD) selecting a remedial action for the Eastland Woolen Mill Site that EPA subsequently amended in the September 2006 ROD Amendment, Operable Unit 1. The selected remedial action included, "Implementation of institutional controls to restrict future groundwater use."

In 2005, EPA and the Maine DEP entered into a State Superfund Contract (SSC) to assure that the Maine DEP will provide a 10% cost share of the Remedial Action costs and, after ten years, 100% of operation and maintenance activities costs for the remedial action selected in the ROD. The SSC addressed operable unit 1 (OU1).

Subsequently, in 2010, EPA and Maine DEP determined that the most cost effective approach to implanting the groundwater use restriction was to have DEP take the lead. To this end, EPA and DEP entered into a Cooperative Agreement number V96129601 (CA) that among other things:

- designated the Maine DEP as the lead for the development and implementation of the institutional controls (ICs) portion OU-1 remedial action, and
- provided that Maine DEP's costs to perform the work would be credited towards the Maine DEP's 10% cost share obligation for Remedial Action at the Site in accordance with the SSC.

From September 2010 until September 2015, Maine DEP performed the ICs portion of the OU1 Remedial Action in accordance with the ROD, SSC, CA, Federal Law, State law, and under the close oversight of

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

EPA project manager Ed Hathaway. EPA reviewed, approved and signed sixteen (16) environmental covenants restricting groundwater use on 17 parcels. The Maine DEP completed closeout of the Cooperative Agreement (V96129601) in late 2015 and submitted the required financial documentation for DEP's expenditure to implement the ICs portion of the Remedial Action. Additionally, DEP's has submitted to EPA quarterly reports summarizing DEP's activities and expenses pertaining to the IC work.

The following information is provided in accordance with 40 CFR 35.6285 and paragraph 21 of the SSC to support Maine DEP's application for credit towards our 10% cost share:

- (i) **Specific Amount Claimed for Credit:** The Maine DEP is requesting EPA approval of a credit of \$209,011.76 for the Eastland Woolen Mill Superfund Site towards the Maine DEP's 10% cost share obligation under the SSC.
- (ii) **Unit of Government:** A Maine State Agency incurred the costs.
- (iii) **Specific Government Unit and Function:** The costs subject to the credit were site-specific expenses incurred by The Maine Department of Environmental Protection. The purpose of Maine DEP, in accordance with 38 MRSA 341-A.1, is to "...prevent, abate and control the pollution of the air, water and land and preserve, improve and prevent diminution of the natural environment of the State. ...".
- (iv) **Financial Director Certification:** I certify that I, Sherrie Kelley, am the financial director for Maine DEP, and that credit costs have not been previously reimbursed by the Federal Government or any other party, and have not been used for matching purposes under any other Federal program or grant. Further, I certify that all the necessary personnel, materials, services, and facilities costs included in the credit submission were only related to the implementation of Institutional Controls (in the form of Environmental Covenants) pursuant to Cooperative Agreement (V96129601) and not to fulfill other Maine DEP obligations pursuant to the State Superfund Contract; and
- (v) **Documentation:** Attached is:
 - a. a summary of Maine DEP's direct out of pocket costs in support this application for cost sharing credit. The summary information was extracted from our financial management system that, in accordance with paragraph 21.D(3) of the SSC, records accurate, current and complete costs incurred by Maine DEP at the Eastland Woolen Mill site. This documentation is provided in both .pdf and .xls formats
 - b. a memorandum that explains the electronic timesheet system that documents personnel hours charged to a given site.

We have also established an ftp site for this credit request, and have place copies of the Cooperative Agreement applications, approvals, and quarterly reports under which this work was undertaken. The ftp site is at: <http://www.maine.gov/dep/ftp/EWM-Match-Credit-Request/>

We believe that this documentation will demonstrate to EPA's satisfaction that the actions undertaken at the site are cost eligible and consistent with CERCLA, as amended, and the NCP requirements in 40 CFR part [300](#).

Letter to Bryan Olson
January 14, 2016
Page 3 of 3

If you need additional supporting documentation to meet your credit determination, please address your request to:

Rosalyn Jean
Financial Analyst
Natural Resources Service Center
155 SHS
Augusta, ME 04333-0155

Rosalyn.R.Jean@Maine.gov
207-287-7797

Thank you for your consideration of this matter.

Sincerely,



Sherrie M. Kelley
Chief Financial Officer
Department of Environmental Procreation
Bureau of Remediation and Waste Management

Enclosures

cc: Rebecca Hewett, DEP
David Wright, DEP
Chris Swain, DEP
Ed Hathaway, EPA