

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

DEPARTMENT ORDER

IN THE MATTER OF

TONY GARTON, PRESIDENT
MAINE CEDAR LOG HOMES
MCL REALTY, LLC
35 MAIN STREET
WINDHAM, MAINE 04062

) COMMISSIONER'S CERTIFICATION
) OF COMPLETION OF REMEDIAL
) ACTIONS UNDER A VOLUNTARY
) RESPONSE ACTION PLAN
)

JURISDICTION

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

FINDINGS OF FACT

1. The covered property ("property" and/or "site") is located on Main Street in Windham, Maine, further designated as Lots 49B, 49C and 50B on Windham Tax Map 38. A map of the property location is included as Attachment A (Attachment A-Site Location Map).
2. The property use in the area is mixed commercial/industrial and residential.
3. The property is served by public water.
4. St. Germain & Associates, Inc. ("St. Germain") performed environmental site assessments ("ESA") that identified potential sources of contamination at the property, and provided recommendations for addressing these potential source areas in a March 21, 2001 workplan. On May 23, 2001, the Department issued a "No Action Assurance" letter to Maine Cedar Log Homes/MCL Realty, LLC approving of the workplan.
5. Prior to demolition, the onsite buildings were surveyed for asbestos containing materials ("ACM") by Environmental Management, Inc., a certified asbestos abatement company. No ACM were observed. After demolition of the old onsite buildings and during construction of the new Maine Cedar Log Homes facility, soils were screened for the presence of petroleum contamination. No contaminated soils were discovered during construction activities.
6. Containerized wastes discovered during the St. Germain assessments were sampled and properly disposed of by a waste management company. These containerized wastes included waste oil, antifreeze, paint sludge turpentine, pesticides and ammonia.

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2 COMMISSIONER'S CERTIFICATION
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CONCLUSIONS

1. Maine Cedar Log Homes and MCL Realty, LLC have submitted a Voluntary Response Action Plan to the Commissioner pursuant to 38 M.R.S.A. §343-E for the property located on Main Street in Windham, and further designated as Lots 49B, 49C and 50B on Windham Tax Map 38.
2. Site assessments conducted at the site included investigation reports that adequately identify the nature and extent of contamination at the site.
3. Remedial actions addressing the potential sources of contamination on the property have been completed and it has been demonstrated to the satisfaction of the Commissioner that the necessary remedial actions are complete.
4. Provided that Maine Cedar Log Homes and MCL Realty, LLC, and their successors and/or assigns comply with the conditions of this certification, the response actions that have been completed and the activities associated with the continued use of the site will not cause, contribute, or exacerbate discharges, releases, or threatened releases that are not required to be removed or remediated under the VRAP.

THEREFORE, pursuant to 38 M.R.S.A. §343-E(5), Mark Hyland, Acting Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection certifies, subject to the conditions set forth below, that remedial actions have been completed by Maine Cedar Log Homes and MCL Realty, LLC for the site located on Main Street in Windham, and further designated as Lots 49B, 49C and 50B on Windham Tax Map 38. Upon issuance of this CERTIFICATE, Maine Cedar Log Homes and MCL Realty, LLC, and the persons qualified for protection under 38 M.R.S.A. §343-E(6) are entitled to the protection from liability to the extent provided by 38 M.R.S.A. §343-E(1). This protection from liability is limited to the matters addressed by and identified by the environmental reports and is subject to the qualifications and conditions set forth below and in 38 M.R.S.A. § 343-E.

CONDITIONS

1. The installation of groundwater extraction wells on the property is prohibited.
2. There are four other businesses currently leasing portions of lot 49C, which includes Buildings 2C, 2D and 3A, for commercial purposes. Any environmental issues (containerized wastes, discharges, etc.) associated with the continued use of these portions of the property will need to be addressed in conformance with all applicable state and federal laws as these businesses cease operations at the property.

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3 COMMISSIONER'S CERTIFICATION
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3. A copy of this certificate for the site located on Main Street in Windham, and further designated as Lots 49B, 49C and 50B on Windham Tax Map 38, shall be recorded at the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

DONE AND DATED AT AUGUSTA, MAINE, THIS 5TH DAY
OF DECEMBER, 2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:

Mark Hyland
Mark Hyland, Acting Director, Bureau of Remediation
& Waste Management

STATE OF MAINE
KENNEBEC, ss.,

December 5, 2003

Then personally appeared the above-named Mark Hyland, Acting Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection and duly authorized delegee for the Commissioner, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of the Department of Environmental Protection.

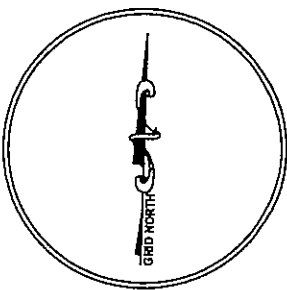
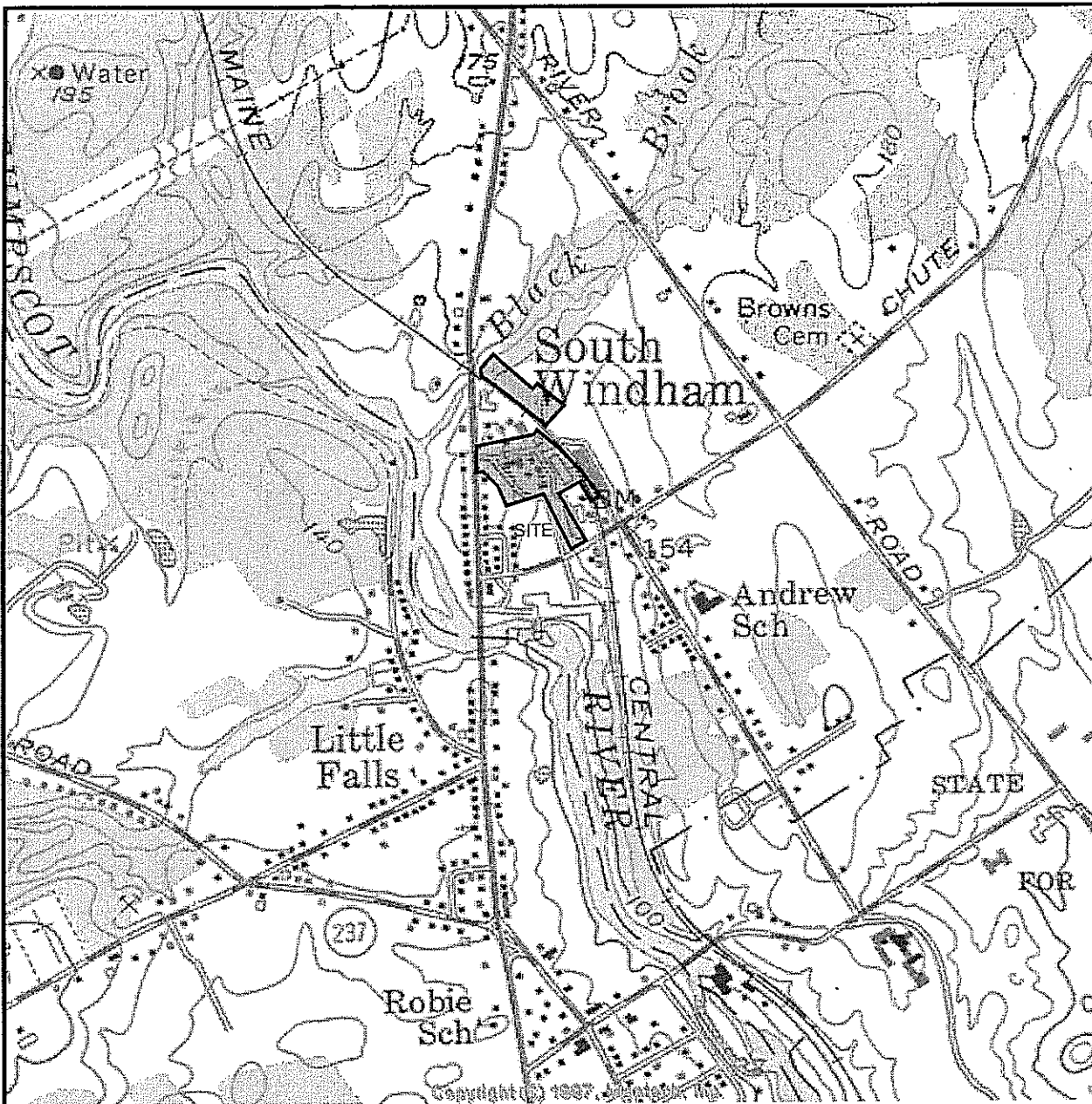
Before me,

Cassandra D. Perkins
Notary Public

Cassandra D. Perkins
Notary Public • Maine
My Commission expires June 25, 2006
(Print Name)

This Order was prepared by Nicholas J. Hodgkins, Bureau of Remediation & Waste Management.

Attachment A



SOURCE: MAP TECH, GORHAM QUADRANGLE

FIGURE 1
SITE LOCATION MAP

FORMER L.C. ANDREWS LUMBER MILL
MAIN STREET
WINDHAM, MAINE

PREPARED FOR
MAINE CEDAR LOG HOMES
MAIN STREET
WINDHAM, MAINE

JOB# 2152.2

DATE: 08/14/00

SCALE: N.T.S.

FILE: SITEPLAN

ST.GERMAIN & ASSOCIATES, INC.
172 US ROUTE ONE
SCARBOROUGH, MAINE 04074
(207) 885-0003 ENVNGT@STGERMAIN.COM



**ST. GERMAIN
& ASSOCIATES, INC.**

ENVIRONMENTAL MANAGEMENT