

Northern Maine Brownfield Steering Committee Meeting
April 9, 2009
Caribou Inn and Convention Center
10 a.m. – 12 p.m.

Attendees

Jeff Packard, Denis Berube, Jay Kamm, Barbara Pitcarin, C.P. Harris, Carol Bell, Nate Hersey, Frank Wezner, Troy Smith, Norman Cyr, Connie Bondeson

I. Welcome and Introductions

This month's meeting was held at the Caribou Inn and Convention Center. Attendees introduced themselves and the meeting started at 10:00

II. Review of Minutes of the February 13, 2009

The minutes of the February 13, 2009, meeting minutes were reviewed. A motion was made to accept the minutes by Norman Cyr and seconded by Jeff Packard. The minutes were accepted unanimously.

III. Phase I/II ESAs Updates

At the February 12, 2009 meeting, the Committee nominated the following properties for a Phase I ESA:

- ***Shannon's Repair.*** Waiting to get the property owner to sign the Property Owner Agreement Form for participation in the Brownfield Program. Until that is signed, the Phase I work won't start on the property. Once the Phase I is completed at Shannon's Repair, we will want to do a Phase II there, if there are recognized Environmental Conditions (RECs), which there will most likely be.

- ***Curtis Garage.*** Located in Ashland, did an addition site visit at this property, and now have a draft of the Phase I completed

At the October 9, 2008, meeting, the Committee nominated the following property for a Phase I ESA:

- ***J.J. Paradis Company.*** We published the JJ Paradis Company Phase I about a month ago.

Phase II ESAs:

At the August 21, 2008, meeting, the Committee the following property for a Phase II ESA:

- ***Mapleton Auto Repair and Sales.*** Have scheduled Phase II for the spring 2009.

IV. New Sites

- ***Griffin's One - Stop in Washburn***

The business is now closed down. It was a very busy gas station/store/ diner located on the snowmobile trail. There are underground storage tanks, still there, installed in 1997. The tanks have been out of service, so there are compliance issues. The bank foreclosed on it. The problem is, they must have a foreclose sale in order for the title to be legally transferred. The foreclosure sale will happen in the next few months. There are some legal issues there and the legal transfer of the title. If they have a foreclosure sale, whoever bids the property, they will probably want a Phase I. Not sure what step need to be taken for a) site to be in the program b) for it to be legally transferred.

If the property is foreclosed upon, what happens to it?

The lien holder is Sienna Capital. They have the legal right to have the foreclose sale.

The tanks were install in 1997, is this only a compliance issue? When was it shut down?

DEP records show that the tanks were taken out of service in June 2008.

The tanks? How this property may may or may not benefit from the Brownfield program?

It might be difficult for this property to come back as a service station, because of the location, and the tanks have been out of service. Need more information as to why that might be ...if it to bring the tanks back into service would be similar to a new facility. If that is the case, the current regulations do not allow the tanks to be put underground 300 feet from a well. There is a well on that property. It may not be able to be used as service station, unless the tanks are above ground.

There is also a sand and gravel aquifer near this property.

If a precision test was done on those tanks and they pass, they should be able to put back in service, but that is a diversion from the DEP rules. Precision testing is a very, very sensitive test that is conducted on underground tanks. For extremely small leaks ...0.1 gallon per hour leak.

Could you just leave the tanks and put new tanks above ground? No.

To have a precision test...first there are no companies in Maine that does it, and it is costly.

For a marketability stand point, the property is worth a lot more with the infrastructure still in place.

If the tanks pass, do they still have to come out?

It is a gray area. No definite answer here. If they had been taken out of service and properly abandoned, from the start, but they were not. If you take tank out of service, and it is out of service for more than three months, and to put it back into service, a precision test has to be done. Twelve months, you can apply in writing to the DEP to remain out of

service... so with the foreclosure and the lien changing hands, none of that paper work was ever filed.

The folks down at the DEP tank unit should be able to give us an answer...o.k. do the precision test and the tanks pass, they are going to want a time frame. They are just not going to let two or three years to pass.

It is a good location...

There needs to be product in the tank to do the precision testing. No product in the tanks currently.

What is the difference in pulling the tanks and putting them aboveground as opposed to getting the underground tanks to pass? Above ground tanks are not cheap ...

Contact was made with the attorney handling the foreclose sale and they are aware of NMDC's Brownfield Program.

- ***Service Station in Limestone*** recently burnt down.

Three are tanks in the ground... Who would clean it it up? The town or the owner?

The owner's insurance.

If they clean it up and they don't want to have service station any more, how could the Brownfield program help?

Those tanks are single-walled. They were installed in the mid-'80s, they are approaching the end of their lifetime. They have had compliance issues there.

I don't think they are going to rebuild. It was for sale.

Our program can't help them with the removal of the debris, rubble or the removal of the tanks, but a Phase I or II would potentially address the environmental condition of the property, and potentially help them sell the lot.

Single walled tanks... they have to keep very accurate daily inventory records. Whenever a tank is dispensed or added to, they have to take a reading at the beginning of the day and at the end of the day. They need to reconcile the data at the of the month to check for leaks. If you don't sell a lot of product t, it is very hard to do. If they want to sell, and they find a buyer, chances are a buyer is going to want a Phase I ...that is where we can help.

- ***The former Cullen's Filling Station in Sherman.***

Katahdin Trust was approach by the property owner for financing. The owner wanted to develop the property in some way. Katahdin Trust approached CEE to give them quote for a Phase I.

Then the property owner decided that they did not want to do the development anymore and they

did not want the loan, so they did not need the Phase I. Spoke with Katahdin Trust, and asked them if there were any interest in the property. One of the problem with that property is that would have to get an easement from the adjoining property owner to be able to get a septic for the property.

Is it for Sale?

The property owner approached the bank for loan to develop it himself.

The property is unused, vacant and tanks were there.

The registered tanks came out in 1990...two, 4,000 gallon tanks were removed. The property has a well.

If a Phase I was completed on this, would it open the doors for a sale to develop that property?

The Phase I would state, that you would need a Phase II to see what is going on with the tanks.

If you did a Phase II and found out that contamination, the owner has to take care of that? Even though it wasn't his fault?

When they go to sell it, unless they can find someone who just will buy it ...a bank is going to know what is on the property before giving loan.

Property owners often say, what if we find something? I tell them, what if we don't find anything? You have had a phase I and Phase II paid for by the Program, and now you have a documentation that your property is clean.

When you have older tanks how often do you find something?

About 60/40... more than likely.

Even if you find something, there are institutional controls

- ***RLC (aka Polar Lights) Fort Kent, Maine***

A Phase I ESA was performed on this property through NMDC's Brownfield program.

Since our last meeting, a potential purchaser is interesting in buying the wood from the building. There are massive amounts of wood in this building. The potential purchaser would dismantle the building and another party is interesting in purchasing the land once the building is gone.

This was a former bulk plant with an underground pipeline. The Pipeline came underground from the rail road tracks and filled up the bulk tanks.

This building is not structurally sound.

The survey for this property indicated that the underground pipeline is still there, and when the Phase I was completed, no documentation could be found to determine that the line was pulled out.

In addition, we have received a letter from the town of Fort Kent, offering support for Phase II work on this property. There is also interest from the town of Fort Kent for this property.

Jeff Packard made a motion to undertake a Phase II on the RLC property in Fort Kent, Maine.

Norma Cyr seconded, vote and passed.

V. Others

A motion was made by C.P. Harris to for CEE to pursue more historical information about the Griffin's One-Stop property, in addition to the Cullen's Filling Station in Sherman for possible Phase I ESA work. Barbara Pitcairn seconded the motion, voted and passed.

CEE would initiate discussions with the neighboring service station located near Griffin's One-Stop neighboring in Washburn.

The attorney for the Sienna Capital, which is the lien holder for Griffin's One-Stop property, requested a letter with the outcome of today's Brownfield meeting.

A site-specific QAPP will be written for RLC, and submitted to EPA

VI. Adjournment/next meeting

Meeting adjourned at 11:55 a.m.

Next meeting will be on June 25, 2009. Starting at noon, until 1:00 p.m. The Committee will tour the RLC property in Fort Kent and hold a Steering Committee meeting from 1:30 to 2:45 at Lakeview Restaurant in St. Agatha, Maine.

Respectfully submitted,

Barbara Pitcairn
Secretary

BP/cb