



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

February 26, 2015

Mr. Aaron Fethke, Chairman
Searsport Board of Selectmen
P.O. Box 499
Searsport, Maine 04974

Re: GAC VRAP and Tier Status

Dear Chairman Fethke,

The Maine Department of Environmental Protection’s Voluntary Response Action Program (“VRAP”) has received your letter dated February 10, 2015, requesting that the GAC project participating in VRAP be required to conduct “Tier 3” Public Communication for the project.

Before applying to VRAP in August 2014, GAC discussed with the Department possible areas on the GAC owned property that might be able to participate in VRAP and be eligible to receive the protections afforded by the VRAP law. From those discussions, the area of the former sulfuric acid plant, which had historically experienced a number of sulfuric acid spills prior to GAC’s ownership of the property, was identified as an area that could participate in VRAP.

Based on those discussions, GAC, through their consultant, CES, Inc., applied for VRAP protections related to the former sulfuric acid plant. When this plant discontinued operations in the 1980’s, the sulfur product storage area was covered with gravel to level the area for vehicle access. CES has determined, through an iterative process of assessment of the intertidal zone and the surface and subsurface soils at the old sulfur plant that an abandoned sulfur product layer in the subsurface soils is the primary source of the low pH (i.e. acidic) environment on the property, and not the documented past spills of sulfuric acid at the property. Through a bacterial breakdown process, the abandoned sulfur product layer is slowly (but continually) degraded to produce a low pH environment, thereby resulting in the low pH discharges of groundwater to the intertidal zone.

For a Tier 3 level of Public Communication to be required on a VRAP project, a contaminant must be impacting an offsite property above a guideline or standard. There are currently no State or Federal guidelines/standards for pH in groundwater, surface water, or soils, and the discharge areas are still on the GAC property. In accordance with the VRAP Public Communication guidance, the project is a Tier 1 site, which only requires posting on the Department’s publicly

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available Site's List Database. However, because GAC recognizes the public interest in the property and the project, they voluntarily applied the Tier 2 level of Public Communication for the project, supplying the town with all the documents submitted to the VRAP as part of the project. As set forth in their Public Communications Plan, GAC will also notify the Searsport Town Manager when the remedial actions commence on the property, as well as when those actions are complete.

There is no specific regulatory requirement for GAC to address the low pH conditions on the property. Nonetheless, both GAC and the VRAP believe that efforts to return the pH to a natural level for groundwater are appropriate, and GAC has voluntarily agreed to take remedial actions. The VRAP No Action Assurance letter approving of the remedial approach was issued on January 22, 2015, a copy of which is enclosed with this letter.

At the VRAP's suggestion, CES is currently conducting a bench-scale test on material from the property to determine if the chosen remedial approach can be expected to achieve the desired results and will not have less desirable, unintended or unforeseen impacts. Verbal discussions regarding the preliminary results of the bench-scale test are positive, as the remedial approach raises the pH significantly in a very short-time period.

The VRAP for this project is very limited in scope. GAC will be granted the protections pursuant to VRAP law provided they implement an approved remedial plan and demonstrate that the remedial objectives (i.e. the raising of the pH to an acceptable level) have been satisfactorily met. No protections will be issued to GAC other than those related to the impacts (low pH) that are identified in the assessment reports and remedied in a satisfactory manner.

Based upon the very limited scope of the remedial action and the absence of impacts from the targeted area to abutting properties, we believe implementation of a Tier 2 Public Communications Plan fulfills the VRAP guidance.

If you have questions on this letter and/or the project, please don't hesitate to call me at 207-287-4854.

Sincerely,



Nicholas J. Hodgkins
Voluntary Response Action Program
Bureau of Remediation & Waste Management

Cc: David Colter, GAC
Denis St.Peter, CES