

# Aerial Survey and Permit Review: Maietta Quarry and Gravel Pit

**Location:**

534 Pequawket Trail  
(Route 113)  
West Baldwin, ME 04091

**Prepared for:**

The Town of Baldwin

**Prepared by:**

TRC Environmental, Inc.

**FINAL – 2016/August/15**



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## EXECUTIVE SUMMARY

In 1989, the Town of Baldwin (the Town) issued a Conditional Use Permit to Maietta Enterprises, Inc. (Maietta) to operate a gravel pit and quarry on approximately 140 acres of an approximately 235-acre piece of land located along Route 113 in West Baldwin, Maine. The property in question had been operated sporadically as a gravel pit for several decades prior to Maietta seeking a permit, apparently while the land was under ownership of other parties. In 1992, Maietta was also granted a site location of development permit (Site Law) from the Maine Department of Environmental Protection (MDEP) and a permit to operate mineral extraction industries within the Saco River Corridor from the Saco River Corridor Commission (SRCC). In subsequent years, additional amendments were provided from each agency to allow for continued compliance with permit orders and for minor changes to the project. In 1992, Maietta and the Town entered into an agreement to allow continued operation of the gravel pit (the 1992 Agreement). In the 1992 Agreement (included in Appendix 2), the Town noted: “it appears that during the now existing construction and operation of the pit, Maietta has not met all of the conditions and fulfilled all of the representations made by it in its application and may have violated certain other rules and regulations and laws of the Town of Baldwin and State of Maine.” The Agreement superseded some elements of the original Town permit and allowed continued operation of the pit “provided that Maietta made certain changes, improvements and corrections with respect to operation and development of the gravel pit”.

The gravel extraction and quarry operations at the site appear to have ceased prior to 2011. The Town is unclear whether the requirements of the 1989 Town of Baldwin Conditional Use Permit (CUP) and 1992 Agreement (as well as MDEP and SRCC permits and subsequent amendments) have been abided, and the Town does not have the appropriate internal resources to ascertain the status of the site in order to make decisions about future use. Consequently, the Town Board of Selectmen deemed it prudent to appropriate funds to conduct an overall review of the property to gain a better understanding of the present state of the property and compliance with known permits and existing site orders. In the spring of 2016 the Town solicited proposals to assist it with obtaining a clearer picture and more complete understanding of the current state of the site. TRC was contracted to provide a baseline of information on the existing condition of the quarry in order to help the Town with future considerations of extraction operations or other land uses on the property. TRC’s study, the findings of which are presented herein, includes a review of permit documents provided by the Town of Baldwin and a preliminary assessment of compliance with the associated permit conditions; creation of a new aerial photographs and topographic maps of the site; a site visit and study to provide context and detail for the study; and a limited Environmental Site Assessment to identify potential environmental concerns at the site relating to current/historical chemical and petroleum use.

## PERMIT TIMELINE

1989, December:	Town of Baldwin Conditional Use Permit Issued
1990, February:	Saco River Corridor Commission Permission Obtained
1992, February:	Conditional Use Permit Amended
1992, April:	Baldwin/Maietta 1992 Agreement
1992, September:	MDEP Site Law Permit Issued

**Report Disclaimer – Limits on TRCs Inferred or Implicit Findings of Compliance**

*The following narrative, reports and figures represent the best understanding TRC could obtain from the limited field reconnaissance performed and the records supplied by the Town of Baldwin and Maietta's engineering firm (Sebago Technics, Inc.). This report should be considered descriptive rather than prescriptive. Enforcement of any permit conditions, whether of the Town of Baldwin, the MDEP, or the SRCC is at the sole discretion of the permitting entity, thus TRC demurs from adjudicating, or appearing to adjudicate, any specific elements of those conditions. It is assumed that some additional documents, not supplied to TRC may exist. The absence of review or reference to other pertinent information should not be presumed upon, since Maietta or its agents may yet be in receipt of it.*

## 1.0 INTRODUCTION

TRC conducted analyses of site conditions and a preliminary assessment of permit compliance on two parcels<sup>1</sup> of land located on Route 113 in West Baldwin, Maine (see Appendix 1 – Site Drawings). The property is now or formerly owned by Maietta Enterprises, Inc. (Maietta). Maietta operated a mineral extraction operation on the site since approximately 1989. It appears that the property had also been operated off-and-on as a sand and gravel pit for several decades prior to this time. In December 1989, Maietta was approved by the Town of Baldwin (the Town) to conduct extractive industry activities (e.g. gravel mining and a quarry) on the site as a conditional use. This permit also allowed Maietta to expand the footprint of the existing-disturbed sand extraction areas. A description of the site and the intended use can be found in the original CUP application prepared by Sebago Technics, Inc. and dated May 11, 1989. It reads:

*On behalf of Maietta Enterprises, Inc., I am pleased to submit the enclosed application for Conditional Use for the Town's consideration in reviewing the proposed Mineral Extraction Operation. This application has been prepared in accordance with Article IX, Sections 2, 3, and 4.*

*The site is located in W. Baldwin, Maine at the existing Maietta Sand and Gravel Pit on Route 113. The site contains approximately 225± acres and is bounded easterly by Route 113 and westerly by the Saco River. Breakneck Brook divides the property flowing east to west. Maine Central Railroad has a 100' Right of Way that bisects the parcel running north to south. The parcel is located in Baldwin's rural zoning district (R) and a section of the site, parallel to the banks of the Saco River and 250 feet from the normal high water mark, is designated shoreland area.*

*We are requesting permission to expand the current mineral extraction operation to include 140± acres of the 225± acre tract of land. This expansion will occur in four phases (see attachment 1). The proposed operation will include screening, washing and crushing. Quarrying will occur in areas where ledge is encountered.*

In 1992 and 1990 respectively, Maietta received a Site Law permit from the Maine Department of Environmental Protection (MDEP) and a permit to operate mineral extraction operations within the corridor of the Saco River from the Saco River Corridor Commission (SRCC). The Town provided TRC with copies of many of the original approvals, or, in some cases, a copy of approvals of amendments to the original permits. A list of documents that were provided to and reviewed by TRC is included in Appendix

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<sup>1</sup> (Map 11, Lot 74 and Map 12, Lot 7)

3. In 1992, the Town and Maietta further entered into an Agreement to maintain operation of the pit, with the Agreement concluding that “it appears that during the now existing construction and operation of the pit, Maietta has not met all of the conditions and fulfilled all of the representations made by it in its application and may have violated certain other rules and regulations and laws of the Town of Baldwin and State of Maine.” The Agreement spelled out several items for specific redressing by Maietta, as follows: 1. Setbacks; 2. Buffers; 3. Railroad Setback; 4. Groundwater Protection; 5. Loam on Site; 6. Fuel Storage; 7. Expansion Beyond Phase One; 8. Consultant Fees; 9. Bond (the 1992 Agreement is included as Appendix 2).

During project planning, members of the Town Board of Selectmen indicated to TRC that the Town’s review and enforcement of Maietta’s 1989 CUP, the 1992 Agreement and other permits and amendments has been irregular throughout the life of the project. To help the Town in its planning for future use of the site, whether for renewal of the existing extractive industries work or other uses, the Town found it prudent to seek additional support to investigate the site conditions and compliance with existing orders. The Town contracted TRC Environmental Inc. (TRC) to create accurate, contemporary site mapping of the entire property. TRC also was asked to perform an investigation of permits and compliance status, insofar as site orders and data are available. The results of this investigation are presented herein.

## **2.0 SITE SURVEY**

TRC sub-contracted Aerial Survey & Photo of Norridgewock, Maine to provide updated topography and color orthophotographs of the site. On April 14, 2016, TRC placed eight aerial control points within and around the site. The control consisted of a nail, set either in soil or pavement, at the apex of a large white chevron which was either painted (in the case of pavement), or formed with 12-inch white Tyvek strips. The flight occurred and photos were taken on April 16, 2016. Standard stereophotogrammetric compilation methods were then used to create maps at 1”=100’ scale.

With respect to mapping quality, ninety percent of elevations interpolated from contour lines are within one half the contour interval when referred to the nearest bench mark. Ninety percent of all planimetric features shown on the map are within 1/40" of their true position and no planimetric feature is out of true position more than 1/20" at map scale, when referred to the nearest field established station. In areas of dense foliage or coniferous growth, the accuracies indicated above may not be met and no warranty is expressed or implied concerning such area. However, since the photos were taken before spring leaf-out and there are limited areas of dense, coniferous forest, the mapping is as reliable as may be obtained with this technology.

Appendix A of this report contains three versions of the survey published by Aerial Survey & Photo. The first is a topographic map without the background photos. The second depicts contours of the site at two-foot intervals, overlaying the ortho-rectified color photos. The third version is similar to the second but also includes 250-foot and 500-foot setbacks of the Saco River bank line (as defined by the survey) as well as other pertinent setbacks and boundaries.



## 3.0 PERMIT COMPLIANCE REVIEW

### 3.1 Town of Baldwin Conditional Use Permit

On August 10, 1989, the Town of Baldwin Planning Board granted a CUP for Maietta to expand mineral extraction on the site. The permit contained several findings of fact that the project would comply with the general standards of Article IX, Section 3 of the Town's Land Use Code.

The 1989 CUP contained 18 conditions, some of which were amended in subsequent agreements (e.g. the 1992 Agreement). A selection of conditions from the CUP are discussed below.

#### 3.1.1 Setbacks

Condition 1 of the 1992 Agreement required that all setbacks should be established "on the face of the earth" and "shall remain clearly visible". During its site visit, TRC only observed a single wooden stake in the midst of Phase 2, marking a 500-foot setback from the Saco River, though its accuracy was not verified. No other evidence of boundary or setback marking was observed.



*Figure 1. Stake in pit (phase 3) marking presumed 500' buffer from Saco River (we believe this was installed by SRCC in the Spring of 2016).*

The disturbed area within Phase 3 appears to encroach significantly on the westerly 150-foot setback along land (N/F) owned by Central Maine Power Company, as shown on the plans (Appendix 1). The encroachment appears to extend further onto the abutter's property though it should be noted that no boundary survey was conducted by TRC and the boundary shown on the plans was taken from the 1989 permit drawings.

The 1992 Agreement also specifically addresses setback to the railroad in Part 3. The plans and phase boundaries delineated in the permit plans are predicated on a 25-foot setback to the right-of-way, (N/F) of Guilford Railroad Company. The Agreement mentions a “requirement of State law” that a 150-foot setback be maintained and requests evidence that a variance from this requirement was obtained. TRC did not receive any documentation to the negative or affirmative regarding the reduced railroad setback. However, it can be stated with certainty that portions of the project – including excavation activities in Phase 4 - occurred within 150’ of the right-of-way.

Additional setback requirements were set by the SRCC, these are discussed in Section 3.3.

### 3.1.2 Groundwater Intrusion/Protection

Part 4 of the 1992 Agreement notes that bedrock was encountered in a section of Phase 1. The 1992 Agreement requires that Maietta seek a site review by their assigned hydrogeologist (“Gerber” at the time) to ascertain if it warranted a change in the projects’ groundwater protection plan and to continue to meet the 5-foot buffer between excavation and the groundwater. Additionally, Condition 8 of the CUP states “Excavation shall not occur within five feet of the seasonal high water table. Prior to beginning excavation in phases 2, 3 and 4, Maietta Enterprises, Inc, shall submit to the Planning Board detailed information on the profile of the groundwater within the site as prepared by a groundwater hydrologist. This information shall be tied to a permanent benchmark established on the site and maintained during the operation of the facility.” Lastly, in their September 7, 2002 site inspection report, the MDEP noted “Standing water was observed in the quarry” (Phase 3) “possibly groundwater. Prior to any future blasting or excavation of the quarry, the groundwater level must be confirmed. A five-foot separation between excavation and seasonal high groundwater must be maintained unless a variance is issued.” Further, in May of 2015, the MDEP noted: “If the quarry has been excavated into groundwater, and after-the-fact variance permit for this activity must be secured.”

No exposed bedrock or pools of open water that would indicate excavation within the groundwater table were observed in Phase 2 during TRC’s brief onsite visit in 2016. There is a permanent pond within the excavated portion of the Phase 3 quarry however (based on aerial photo and site review, and it was presumed by TRC that this water level approximates the groundwater table). Monitoring well locations are shown on the original 1989 site plan submitted by Maietta, but these were not investigated during the site review. TRC was unable to find evidence that any follow-up hydrogeological studies were performed on the site at any time following the reports of potential groundwater intrusion described above.

### 3.1.3 Project Phasing

In reviewing the current state of the site and attempting to ascertain what activity occurred and when, it is helpful to review historical photos in order to form a basis for time lining the activity on the site. The following is a sequence of publically available aerial photos depicting the timing and progress of site development.



**Figure 2. April 1998 - Earliest photo found shows activity within Phases 1 and 2.  
No activity has occurred within Phases 3 or 4.**



**Figure 3. December 2003 - Phase 3 work has commenced and Phase 1 shows signs of reclamation,  
including plantings along the northerly portion. No activity within Phase 4.**





*Figure 4. October 2006 - Phase 4 has been substantially cleared and topographic relief indicates some removal and/or stockpiling of material at the northeasterly corner of Phase 4. Quarrying has commenced within Phase 3. A portion of Phase 2 has been reclaimed*



*Figure 5. November 2011 - The size of the quarry within Phase 3 has increased, as has the boundary of activity at the westerly side, adjacent to the land of Central Maine Power Co. The vegetation within the reclaimed area of Phase 1 has been revived or replaced. The beginnings of the ponded area within the quarry can be seen at this point.*



*Figure 6. September 2013 - Limited change from the 2011 photo with maturing vegetation in some previously disturbed areas of the site. The quarry pond is at its current size by 2013.*



*Figure 7. Evidence of some disturbance in northeast corner of Phase 4.*



Conditions placed upon the site and its operations in conjunction with the issuance of the CUP and the 1992 Agreement require several benchmarks to be satisfied or maintained regarding the reclamation of exhausted portions of the pit. Among these is that Phase 1 be reclaimed before commencing work on Phase 3. Likewise, no work was to commence on Phase 4 before full reclamation and closeout of Phase 2. Finally, as noted, the 1992 Agreement stated that no work should commence on phases 2, 3, or 4 until the town was satisfied with fulfillment of the conditions in said agreement. The 1992 Agreement stated (part 7) that “there shall be no expansion beyond the existing Phase One into Phases Two, Three or Four ... until the Town is satisfied that Maietta has substantially complied with the terms of (the 1992) agreement.” TRC was unable to discern if the Town reached a conclusion on satisfaction with compliance of the 1992 Agreement, but excavation and quarrying work in Phases 2, 3 and 4 have occurred since that agreement was signed.

Based on aerial photo interpretation and annual progress drawings provided by Maietta’s engineering agent, Sebago Technics, Inc. (STI), no work has occurred in Phase 1 recently, and portions of Phase 1 have been reclaimed. Tree plantings appears to have occurred at the perimeter of Phase 1 (presumably pursuant to addressing the “Setbacks” and “Reclamation” sections of the 1992 Agreement). However, portions of the northern reclaimed areas of Phase 1 are sparsely vegetated and topsoil is not readily observable. The lack of soil and vegetation in this area may be exacerbated by or a result of historic and ongoing ATV use.

Additionally, as can be seen above, work has occurred in Phases 2 and 3, and there has been some work in Phase 4. Based on review of historic aerial photography, intrusions into Phase 4 include work along the border between Phase 3 and Phase 4 and some apparent excavation or processing in the northeastern corner of Phase 4. STI’s progress drawings (included as Appendix 3) indicate that approximately 7 acres of excavation occurred in the northwestern corner of Phase 4 in the early 2000s.

Given the high level review conducted by TRC, the limited correspondence and documentation that TRC was provided from the 1990s and 2000s, and the length of time since the pit was actively worked, it is difficult to pinpoint an accurate activity timeline on the site. For example, while the 2016 aerial photography and survey clearly indicates where work has occurred on the site, it is unclear exactly when work in Phases 2, 3 and 4 began, or how much work occurred in Phase 4 prior to reclamation of Phase 1 (in potential noncompliance with part 7 of 1992 Agreement, as quoted above). It is also unclear if the 1992 Agreement supercedes all conditions of the CUP or if the language included in part 7 of the 1992 Agreement is meant to infer that once the Town was satisfied with compliance with the agreement, that work may proceed in phases 2, 3 and 4 (in contrast to condition 5 of the CUP).

Further investigation into the timing of various site activities, requiring additional documentation, is recommended should the Town desire to more closely evaluate compliance with phasing requirements of the CUP and subsequent agreements.

### 3.1.4 Total Area Open to Excavation

Condition 6 of the CUP states, “During the operation of Phases 3 and 4, the total area open to excavation shall not exceed a combined area of thirty acres.” There was no clarification or restatement of this “total area open to excavation” in the 1992 Agreement. It is somewhat unclear as to whether the 30-acre threshold of the CUP applies when the activity is occurring in Phases 3 and 4 only, or if it is inclusive of the entire property. Since it was a condition of the CUP that commencement of work on Phase 4 is conditioned on the closure and complete reclamation of Phase 2, it would stand to reason that the CUP

assumed that Phase 2 would be reclaimed before work began on Phase 4, and that therefore the 30-acre threshold would need only apply to Phases 3 and 4. As it currently stands, Phases 2 and 3 are mostly unreclaimed, and there is evidence of unreclaimed excavation activities in the northwestern corner of Phase 4.

Using aerial photos of the site and contrasting existing contours against those shown in the original permit drawings, a calculation of open areas was prepared as shown in Figure 8. This represents the areas that were disturbed relative to original grade and are currently unreclaimed (see the site map in Appendix 1-3). Depending on the interpretation of CUP condition 6, and based on the site and mapping investigation, the site may currently be exceeding the 30 acre maximum open pit area requirement.

<b>Phase 2:</b>	<b>14.7 Acres</b>
<b>Phase 3:</b>	<b>25.7 Acres</b>
<b>Phase 4:</b>	<b>3.6 Acres*</b>
<b>Total:</b>	<b>44.0 Acres**</b>

*\*It is difficult to discern the boundary between excavated and general disturbance within Phase 4 since much of the area outside of what is thought to have been excavated closely resembles the sparsely-vegetated mineral condition of the excavations themselves. This figure is likely somewhat conservative and is less than the 7.2 acres shown in the 2011 Sebago Technics, Inc. progress drawing. Adequate reclamation to Town standards may require a substantially larger area to be redressed since some of the cleared and grubbed area of Phase 4 still contains sparse or no groundcover.*

*\*\*This figure does not include the sparsely vegetated/ATV impacted portions of Phase 1, as these were presumably approved as "reclaimed" following the 1992 Agreement.*

**Figure 8. Open Area calculation.**

### 3.1.5 Loam Stockpiles

As described in part 5 of the 1992 Agreement: "The parties acknowledge that another substantial concern of the Town is that there be sufficient loam on the site itself to be used for reclamation purposes." To remedy these concerns, it states, "Maietta agrees to stockpile loam at the site at a rate of 500 cubic yards per acre of unreclaimed area. The loam shall be used to reclaim the gravel pit site and the surrounding landscape. Further, Maietta agrees that if the Town should find itself in a position of having to reclaim the project itself, Maietta will sell to the Town, loam at a rate of \$4.00 per cubic yard delivered to the site. This is to ensure the Town that the bond amount will be sufficient to permit the Town to complete the reclamation project. . ." At the current approximate 44 acres of open and unreclaimed area (Figure 8), the loam stockpile need equates to approximately 22,000 cubic yard (c.y.) of stockpiled loam (equating to a delivered loam cost to the town of \$88,000). There is only a single place on the original plan indicating "stockpile area." Although it is unclear as to what was intended to be stockpiled at this spot, TRC assumed it indicates an area intended for stockpiled loam. This area currently features a 7-8 foot excavated pit and does not contain any loam. During the site visit, TRC was unable to locate any stockpiled loam and found only small stockpiles of quarried rock or imported demolition debris (see section 1.1.5). It is possible that there are stockpiles of loam onsite that have regrown, are covered with other materials or are otherwise just not readily discernible as loam. Maietta, or its agents, should identify such areas, if any were prepared.



### 3.1.6 Reclamation Bonding

TRC received a copy of the Town of Baldwin code enforcement notice March 25, 2002 citing violation of a condition of approval regarding bonding. This notice references an amendment to the original permit, dated February 27, 1992. This amendment superseded the original bonding requirements related to the project phases with a general bond requirement of \$180,000 for an open working area not to exceed 30 acres. As of the April 1992 Agreement, it does not appear the bond was in place since it requires, “Maietta shall immediately apply for the bond. . .” Documentation provided on behalf of the Town by David A. Lourie, Esq. suggests that the \$180,000 bond is currently in place. It is unclear whether any adjustments have been made to index for inflation, as anticipated in the permit.

In early project discussions, the Town of Baldwin specifically requested support with respect to reviewing appropriate financial requirements for site-specific reclamation bonding. As discussed with members of the Town Board of Selectmen, reclamation bonding is not a specific expertise of TRC. However, the following support and findings relative to bonding, may be helpful to the Town in making future decisions on required bonds for reclamation. The costs included herein are based on personal communication and are presented for illustrative purposes only. TRC recommends that a qualified and experienced third party contractor is committed to discern appropriate bonding amounts for each phase of the pit.

Bonding should cover costs for mobilization/demobilization, earth moving, topsoil importation and augmentation, and spreading loam, seeding, mulching, watering, and maintenance. In the course of review and investigation, TRC sought the opinion of Mark Stebbins, Mining Coordinator at the MDEP on potential bonding costs for reclamation of quarries and pits. Mr. Stebbins noted that bond prices are generally derived through the use of an independent third party who can assess the site and, based on similar experiences, determine appropriate costs for reclamation bonding based on a particular site’s individual needs and difficulties. Mr. Stebbins also noted that he would be happy to assist with this condition should the Town request it.

Based on TRC’s research, reclamation bonding can start at approximately \$4,500/acre, and can range to over \$8,000/acre, depending on the site, as well as local and regional delivery and material costs. With approximately 44 acres of unreclaimed area (described in Section 1.1.3), the low-end estimate of \$4,500/acre would equate to an overall reclamation bond \$198,000 for current conditions. This low end bonding price is generally based on adequate topsoil stockpiling and assumes loam stockpiles are already on site (e.g. segregated and stockpiled topsoil). A large site with a lack of stockpiled topsoil may require a larger cost for reclamation (see Section 1.1.3). Additionally, as noted in Section 3.1.5, under the 1992 Agreement if the town is forced to reclaim the unreclaimed areas itself, Maietta would provide topsoil delivery to the site for a perpetually fixed price of \$4/c.y. This \$4/c.y. price appears to be the fixed cost for “loam” delivered to the site only, and does not affect the cost of the reclamation bond. Based on the open areas currently mapped on the site (see Section 3.1.4), at \$4/c.y., the cost to the town for loam would be approximately \$88,000. If the \$4/c.y. cost is not provided, then presumably the cost for loam may be significantly higher.

Finally, although reclamation features heavily in both the original CUP and the subsequent 1992 Agreement, both documents are vague as to the exact definition of “reclaimed”. The opinions of the Town and of Maietta may vary widely as to what qualifies as satisfactory reclamation. For instance, survival of the vegetation is not addressed, nor is a description of the quality of topsoil, inspections and reporting, target percent aerial coverage, invasive species, *et cetera*. In order to facilitate better

performance in the future, TRC recommends that the land ordinance include a more detailed definition and performance standards for the term “reclaimed”.

### 3.1.7 Objectionable Materials

Permit condition 12 of the CUP states, “No materials of any kind shall be imported to the site for processing except for ledge spoil from the applicant’s own construction sites to be crushed.” While on site with members of the Board of Selectmen, TRC observed areas within Phase 3 where it appears that demolition debris was imported and dumped onsite. Debris was located within the excavated pit area, to the northeast of the quarry pond and within the fill and debris near the large slope cut and fill area on the western edge of Phase 3. This debris includes concrete, brick, portions of demolished tiled walls, and asphalt. TRC recommends that a more detailed assessment of the type and volume of the objectionable materials be made, and a discussion with the owner be conducted, in order to properly assess what, if any, materials were brought onto the site out of compliance with the CUP, and what level of effort would be required to bring the site into conformance with permit conditions.



*Figure 9. Piles of mixed demolition materials in Phase 3.*





*Figure 10. Close-up of some demolition debris found onsite.*



*Figure 11. Close-up of some demolition debris found onsite.*

## 3.2 Maine Department of Environmental Protection

MDEP issued Maietta a Site Law permit in 1992 for operation of the gravel and quarry operation (MDEP permit number L-16807-80-B-M). TRC was provided on amendment to the original approval, dated February 23, 1993 and allowing for re-configured truck access to the site (TRC was not provided with the original site order). Additionally, TRC acquired MDEP Borrow Pit and Quarry Inspection Reports from MDEP site visits that took place in 1999, 2008, 2011, and 2015. The MDEP noted various infractions (noted as minor and major) during their years of inspection, however it does not appear that the MDEP issued a notice of violation or stop work order at the site. The following sections provide a synopsis of the MDEP's findings for each visit.

*August 17, 1999:* MDEP noted minor problems with regard to erosion and sedimentation control (the foot path for the pump from the Saco River was causing erosion to the river, a stockpile was stored too close to Breakneck Brook, silt fence near Break Neck Brook was improperly installed, and there were some rills in the ongoing reclamation of slopes in Phase 2). MDEP also noted major problems with spill prevention and control regarding refueling. *To wit*, "During the inspection I noted several areas where spills have occurred from refueling activities. The area of contamination is significant and covers an area approximately 2500 square feet. Since the area appears to be contaminated with a variety of products, such as fuel oil, hydraulic fluid and lubricants, I am requesting the appropriate disposal method." Additionally, "At this point in time, I am notifying you that any further infractions with fuel storage or spills will result in the Department pursuing (*sic*) formal enforcement." It is assumed at this point that no enforcement action was taken.

*August 5, 2008:* MDEP again found fuels spills at the refueling station, and noted "need to replace/fix containment structure" and "requested that all fuel stained soils must be removed and transported to a facility that handles contaminated soils." Additionally, the MDEP Inspector noted that extraction activities in Phase 3 had impacted a small peat bog. In the corrective actions section of the report, MDEP noted "Need to determine the amount of wetland that has been impacted and file an after-the-fact NRPA permit for the impacted area." In speaking with Mr. Stebbins, it does not appear that a permit was ever requested or issued. Additionally, there is evidence onsite that while excavation within the wetland does not appear to have continued, the site operator excavated beneath the small bog, piercing the restrictive layer of cemented sands and effectively draining the small bog. TRC does not know when this occurred. The former wetland is now regrowing with upland vegetation, lacks hydrology and is no longer technically considered a wetland. Although unconfirmed through onsite delineation or detailed investigation, it is possible that the original wetland may have been smaller than 0.1 acre, and therefore potentially an activity for which an NRPA permit was not required. TRC suggests the Town pursue follow-up with the Water Quality Division of the MDEP to discern if they have any recommended follow-up pursuant to the former wetland.

*September 12, 2011:* The pit appears to have been shut down for significant activities at this point. MDEP noted that there was one area in Phase 2 where rill erosion was occurring (presumably the same area as noted in 2008). Minor fuel staining was observed. Additionally, MDEP noted: "Standing water was observed in the quarry, possibly groundwater..." They also made a request for additional groundwater studies as described in Section 3.1.2. TRC recommended early that a contemporary groundwater study for the site should be provided to the Town (as also per the 1992 Agreement).

*May 28, 2015:* MDEP noted that the "reclaimed areas show appropriate slopes and vegetation", presumably referring to the rills in Phase 2 noted in previous reports.



May 29, 2015: MDEP noted similar notes as previous reports, and that the operation “is in substantial compliance.” The inspector added the following corrective action: “Verify the elevation of the groundwater table in the quarry. If the quarry has been excavated into groundwater, and after-the-fact variance permit for this activity must be secured.”

### 3.3 Saco River Corridor Commission

The Town provided TRC with a copy of the SRCC permit issued to Maietta on February 22, 1990, along with an amendment to that permit issued March 22, 1990. Additional findings of fact and conditions of the SRCC’s originally permit are discussed below.

Finding #9 of the SRCC permit states “...actual Phase III (3) extraction to occur no closer than 350 feet from the (Saco) river.” As can be seen in Figure 1-3 of Appendix 1, there appears to have been extraction within Phase 3 in an area south of the quarry to within approximately 250 feet of the Saco River. However, Condition 3 of the SRCC permit notes: “the applicant shall maintain the 350-foot buffers as proposed, and shall undertake or permit no tree cutting or forest thinning with the 250-foot buffer zones, including that portion of the 250-foot buffer adjacent to Breakneck Brook and within 1,000 feet of the normal high waterline of the Saco River...” Thus, it appears that the setback requirements described in the permit conditions have *generally* been met.

Condition 3 also describes a permit condition that requires “all areas within the corridor affected by soil disturbance activities shall be restored in accordance with the plan, shall be loamed and seeded as proposed and shall be planted to (sic) white pine at a rate of 1,000 trees per acre. This planting shall be accomplished immediately upon completion of final grading, loaming and seeding.” Additionally, Condition 4 notes “the applicant shall implement both mitigation measures, as proposed in the Visual Impact Assessment prepared by Sebago Technics, Inc.” TRC was not provided with a copy of the Visual Impact Assessment and it is currently undetermined if these requirements have been redressed, amended or updated. TRC did not identify any reclamation plantings in Phase 3 during our site visit, however white pines were planted in rows on Phase 1 and appear to be growing well where they have established.

On July 26, 2016, TRC spoke with Dennis Finn, the Executive Director of the Saco River Corridor Commission about the pit and quarry. Mr. Finn agreed that, based on recent site visits that he conducted, the pit and quarry appears mostly in compliance with SRCC requirements. However, the 1990 SRCC permit amendment approved extension of the original permit to be valid for a period of 15 years, rather than the standard SRCC permit timeline of five years. Mr. Finn does not believe that the SRCC permit was extended after 2005, when it technically would have expired.

## 4.0 LIMITED ENVIRONMENTAL SITE ASSESSMENT

TRC conducted a Limited Environmental Site Assessment (LESA) for the Site and surrounding area with the purpose of identifying potential Areas of Environmental Concern relating to presence/possibility of contamination impacting the Site. A Site Layout Plan identifying key features is provided in Appendix A.

### 4.1 Database Report & Environmental Record Review

The database radius report was obtained from Environmental Data Resources, Inc. (EDR) of Shelton, Connecticut. Database listings for the Site and surrounding area are provided below.

#### 4.1.1 Site Record Review

Site information included in the database search report (supplemented with available MEDEP records) is summarized in the following table:

Site Facility Name(s) and/or Listed Address(es)	P.Y. Estes & Son, INC. Pequawket Trail
EDR Map No(s).	6
Database(s)	US MINES
Description/ID No(s).	EDR IDs: 1011172019  P.Y. Estes & Sons, INC. have been issued 10 violations between 2009 and 2015. Details regarding the specific violations were not available in the EDR report or within available MEDEP online files. It is unclear if these include spills noted in the MDEP Pit and Quarry Inspections (Section 3.2 of this report) or if these are in addition to those noted.

#### 4.1.2 Adjoining & Surrounding Property Record Review

TRC evaluated the following adjoining and surrounding properties identified in the EDR Report as to whether the potential exists for contamination to be migrating to the Site. Properties not listed below are considered to have a low potential to environmentally impact the Site.

Facility Name and/or Address	Anthony's Texaco and Garage 1111 Pequawket Trail (RT 113)
Approximate Location Relative to Site	Adjacent to the east
EDR Map #	A1, A2, A3
Databases	LUST, UST, AST

Description/ID Number	EDR IDs: S110534168, S110534169, U003097594 Spill Number: P-727-1997, P-360-2004, P-427-2008, P-1089-2008, P-371-2009
Presumed Hydrogeologic Setting	Up-gradient
Database Review Summary	<p>On 9/1/1990 six underground storage tanks were removed – Two 1,000 gallon gasoline USTs, two 2,000 gallon diesel USTs, and two 1,000 gallon diesel USTs.</p> <p>On 5/13/2008 MEDEP reported dark waste-oil discharges of an unknown quantity to the soil around the former garage. MEDEP issued a notice of violation for prohibited oil discharge and unregistered piping facility.</p> <p>On 9/9/2008 MEDEP meet onsite with the owners to advise them of the need to register the piping, how the tanks were out of compliance for use and guidance was provided on removal and assessing the piping and clean-up standards/options.</p> <p>Before 9/22/2008 several thousand gallons of waste oil was pumped off by Mark Childs of J&amp;C Demolition from the diesel tank. Three gasoline tanks were already gasoline free when checked.</p> <p>On 9/22/2008 MEDEP meet onsite with the owners and observed building debris, drums, and old vehicles gone. Three drums of waste oil impacted soil was reported being held offsite for disposal by Clean Harbors Environmental Services. The oil contaminated areas had been filled in and covered so MEDEP was unable to assess and inspect the adequacy of the clean-up.</p> <p>On 12/4/2008 four 5000 gallon leaded gasoline ASTs were reported out of service, and piping had been removed. Frozen water had been observed in the piping indicated they had been previously flushed out.</p> <p>On 5/26/09 After further investigating the extent and severity of the oil-contaminated soil and groundwater in December 2008 the property owner, Ms. Janette Anthony hired Anderson Septic and Excavation Company to remove soils and to haul them off-site for recycling. A Diesel Range Organics (DRO) analysis level of 78 parts per million (ppm) is representative of soil left behind, unremoved. The removed soil is represented by a 4,970 ppm DRO, taken from the sidewall of the excavation. The groundwater found at 6 feet below grade had no visible free product or oil sheen. Groundwater in the excavation was found to have 275 parts per billion (ppb) of DRO. No groundwater was removed or treated during this clean-up.</p> <p>At this time MEDEP believes the bulk of the worst-contaminated soil has been removed from this area. Oil contaminated water and soil is understood to remain on-site and should be properly managed, if encountered, even if below present clean-up action levels. This release not considered closed by the MEDEP.</p> <p>Based on the up gradient location, nature of the releases, and regulatory status, it is likely that this listing may environmentally impacted subsurface conditions at the Site.</p>

	Given that DRO impacted groundwater is documented to exist abutting the Site, any onsite dewatering activities in the north eastern portion of the Site may encounter contaminated groundwater, which would need to be managed in accordance with state and federal regulations.
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Facility Name and/or Address	Normantus Property Normantus Lane
Approximate Location Relative to Site	700 feet north
EDR Map #	5
Databases	SHWS, ALLSITES
Description/ID Number	EDR IDs: S112056938
Presumed Hydrogeologic Setting	Up-gradient
Database Review Summary	<p>This site is listed under the SHWS and ALLSITES database. The Facility ID is REM02133, and the program type is listed as an uncontrolled site. As of March 11, 2005 this Site was transferred to other division. No additional information was available in the EDR.</p> <p>Spill report P-1035-2001 is summarized the Maine Department of Environmental Protection Online Databases Section below.</p>

Facility Name and/or Address	Anderson Residence 1024 Pequawket Trail (RT 113)
Approximate Location Relative to Site	500 ft. east
EDR Map #	4
Databases	LAST
Description/ID Number	EDR IDs: S105795413 Spill IDs: P-163-2001
Presumed Hydrogeologic Setting	Down-gradient



Database Review Summary	<p>On 3/13/2001 MEDEP responded to a leak from a residential 275 gallon kerosene AST.</p> <p>The filter fitting had broken, releasing approximately 130 gallons of kerosene into the ground next to the house. Twenty-eight yards of impacted soil were excavated, free product accumulated atop groundwater. A recovery well was installed in the spill area.</p> <p>On 4/5/2001, Several attempts of pumping the well have been recorded by MEDEP in order to removed residual free oil. The site was placed on quarterly monitoring and an initial water sample (3/14/2001) was non-detect for DRO.</p> <p>At this time, no additional information pertaining quarterly monitoring or closure of this report is known.</p> <p>Based on the location (down-gradient) it is unlikely that this listing has environmentally impacted the Site.</p>
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Facility Name and/or Address	Smith Property 692 River Road
Approximate Location Relative to Site	2000 feet north
EDR Map #	7
Databases	LAST
Description/ID Number	EDR IDs: S110310893 Spill Number: P-308-2006
Presumed Hydrogeologic Setting	Cross-gradient (west of the Saco River)
Database Review Summary	<p>MEDEP responded to a call that as much as 600 gallons had been discharge from an aboveground storage tank (AST) that had been removed from a trailer. MEDEP observed a small stain on the ground adjacent to the AST, which appeared to be from sloppy filling of fuel containers for monitor heaters.</p> <p>MEDEP removed 1.53 tons of contaminated soil. The discharge appeared to be somewhere around 20 gallons, and could have possible been over time, because the oil was weathered. Small amounts of oil were probably spilled every time containers were filled. All visible signs of oil were removed from the property. No further response action is required at this time.</p> <p>Based on the location, nature of the release, and regulatory status, it is unlikely that this listing has environmentally impacted the Site.</p>

## 4.2 Maine Department of Environmental Protection Online Databases

TRC conducted a search of available on-line files maintained with the MEDEP on May 16, 2016 to evaluate the Site and nearby environmental conditions. This review is summarized below.

### 4.2.1 Hazardous Oil Spill System (HOSS) Sites Database

TRC reviewed the MEDEP's HOSS Database, which identified two hazardous oil spill site within 1/4-mile of the Site. The Site is not listed on MEDEP's HOSS Database.

Anthony's Texaco and Garage – 1111 Pequawket Trail (RT 113):

- P-727-1997 - The following information was provided in the Spill Report: "On 12/17/97 I briefly stopped at this facility to check on a local complaint of old active, non-compliant tanks. I noted an active, gas station that appeared to have active AST's. Back at DEP office, I found an old UST removal notice submitted by R. Jewett of G W Jewett, Inc. in 1990. The 1990 notice had no CTI listed and it appeared that the owner wished to have the gasoline facility removed as diesel, by running diesel thru them briefly. I recall advising the owner back in 1990 that this was not allowable. No records of problems reported in 1990 during removal; rural area, on private wells. During this 1997 visit I did not examine the AST facility to check on compliance (are the active AST's or old UST's?); and I could not tell if the product piping had been properly replaced, brought up to present code, or removed with the old tanks. I recommend a compliance visit by Tanks Unit as they see fit. This is a rural area on water wells and is listed as a sensitive area. No CMR 691.12 Assessment was required at the time of the 9/90 removal. S G Brezinski, Maine DEP, BRWM."
- P-306-2004 - The following information was provided in the Spill Report: "While driving along Rte 113 in Baldwin this facility was recognized for its accumulation of drums (presumed to be waste oil) and significant staining on the asphalt and soil. Dozens of drums encircle the garage, as well as a few 275 AST's. Within an exposed foundation are four (8'x20') tanks with piping still attached, but contents, if any, are unknown. The area or adjacent properties have private wells, therefore the potential risk for offsite contamination is elevated given the visual contamination seen from a drive by inspection. A referral to Oil Enforcement will be made with the following issues: 1) non reported spills; 2) non labeled containers of waste; 3) improper storage, etc.; 4) potentially significant impact on groundwater. Given the rural nature and the dependence on groundwater at this location, a site visit & inspection are requested for the fall 04 season. Follow up remediation and monitoring expected."
- P-1089-2008 - The following information was provided in the Spill Report: "SUMMARY: While driving by on 5/14/08 I noted this motor fuels and repair garage facility to be out of service and the building to have fallen in. Noting what appeared to be out-of-compliance underground gasoline piping, unsecured drums of waste oils, and unreported surface oil discharges I investigated further. This report covers the investigation and abandonment-by-removal of underground product piping for an Aboveground Storage Tank (AST) facility; see P-427-2008 for coverage of the surface oil discharges and drum disposal. The property is for sale and a goal was the investigation and mitigation of the prohibited discharges and eventual environmental clearance by the Maine Department of Environmental Protection (MDEP). The facility owner and primary contact was Ms. Janette Anthony after her husband, Warren Anthony passed away in the winter of 2007-2008. Ms. Anthony hired Portland Pump Co. (PPC) under Maine Certified Tank Installer (CTI) Art Grant to remove the piping. Ms. Anthony had Acadia Environmental (Acadia)

under Ms. J. Szafranski assess for the Maine chapter 691 UST Closure Assessment. Stephen Brezinski of MDEP, Response Services Division was primary contact for the abandonment and assessment, with valued involvement of MDEP's Andrew Flint and Tim Rector.

**LOCATION HISTORY & ASSESSMENT:** The facility is an approximately 5-acre parcel located in a rural residential and commercial area of West Baldwin. There are three drinking water wells within 300' of the facility and discharges, and the AST half the property is located over a mapped sand and gravel aquifer (see attached location map). The site was issued a Stringent Clean-Up Goal. G W Jewett Co (Robert Jewett) owned five Underground Storage Tanks (USTs) for gasoline and diesel, operated by Warren Anthony, reported to have been removed on 9/1/1990. This was prior to the 1991 implementation of the required Chapter 691 UST closure assessment. No evidence of discharges were reported but I do have recall of calling Mr. Anthony in 1990, about his intention to flush the gasoline tanks with diesel so as to circumvent the need for a CTI to oversee the abandonment. Part of the goal for the 2008 piping removal was also to keep watch for old, out-of-service USTs and any associated old discharges. We did not know the locations of the old pre-1990 USTs. The AST facility consisted of four, single-wall bare steel 6,000-gallon ASTs, four gasoline and one diesel, within a below ground concrete vault-like berm. There was a square opening near the bottom for the product piping to exit to the dispensers violating its ability to hold a large discharge (see photos). The vault was observed not to hold rainwater indicating it was not liquid-tight. Among other issues there was no apparent overfill protection and no emergency vents. The ASTs had three double-wall fiberglass-reinforced-plastic (FRP) gasoline runs to dispensers about 50' to the south. A diesel line went to a dispenser at the east corner of the tank berm. These product lines had no containment sumps, had not been registered. On 9/9/08, Rector, Flint and I met on-site with Ms. Anthony and with Mark Childs of J & C Demolition. We advised them of the need to register the piping, how the tanks were out-of-compliance for use and we gave them guidance on removal and assessing the piping and clean-up standards and options. We all agreed to the abandonment before the ground froze the next winter. A Spill Prevention Countermeasures and Control (SPCC) Plan as well as upgrades were needed if the facility were to be put back in service.

**AST PIPING ABANDONMENT & ASSESSMENT:** The diesel tank was found to be holding several thousand gallons of waste oil which was pumped off by Mark Childs of J & C Demolition before and around 9/22/08. The three gasoline tanks were already gasoline-free when checked. Frozen water in the piping found on 12/4/08 suggests that the ASTs had been purged and the piping."

- P-427-2008 - The following information was provided in the Spill Report: "SUMMARY: The site is a now out-of-service gas station and repair garage located within a rural residential and commercial area of Baldwin. This report covers the September, 2008 to December, 2008 investigation and remediation of unreported waste-oil and unspecified-oil discharges from drums on the site. See report P-1089 for coverage of the aboveground oil storage tank (AST) facility and removal of the buried product piping in December 2008. The primary Maine Department of Environmental Protection (MDEP) representative for this report was Stephen Brezinski of MDEP Response Services Division. The facility was formerly owned and operated by Warren Anthony who passed away in the winter of 2007-2008. During this investigation the inactive property was owned by his widow, Ms. Janette Anthony who was trying to sell the parcel.

**FACILITY HISTORY & INFORMATION:** The site is mapped as located partially over a mapped sand and gravel aquifer (see attached map). The area is rural residential and commercial, served by private well water and septic systems. It had operated as a gas station [with retail motor fuel underground oil-storage tanks (USTs) and then with motor fuel, waste oil and heating oil above ground storage tanks (ASTs)] and as an

auto repair garage since before 1989. There are at least two private water wells within 300' of the discharges. MDEP reports P-727-1997, and P-360-2004 describe cursory investigation of the facility while the repair garage was still active.

INITIAL SITE DISCHARGE INVESTIGATION: 5/13/08: While driving by, I noted the building was down and the facility appeared out-of-service. I stopped to inspect the AST area and check for discharges. The neighbor to the SE advised me that the owner, Warren Anthony, had died during the winter and the building had collapsed due to snow load. A 'For Sale' sign gave a contact number in New Hampshire. In the area of the collapsed concrete block garage building, I noted discharges: a) on the concrete floor of the garage and in the debris [photos 1 & 3 and the DEP site sketch], b) dark waste-oil discharges to soil around rusting steel and plastic 55-gallon drums c) dark waste oil discharges to soil around rusting, bloated, steel drums and an out-of-service AST [photo 4] located behind the garage building. I left my business card with the neighbor at 1101 Pequawket Trail and asked him to ask the owners to contact me when he next saw them. Based on the observed discharges, I believed there to be significant contamination threat to local groundwater and residential wells. These unreported discharges appear to be multiple spills over the years of activity as a repair garage. 8/13/08: I revisited and noted the site unchanged so sent a letter (attached) to Mark Anthony (Warren Anthony's son) advising him of the environmental threats and need to investigate and remediate the discharges. 9/9/08: On site meeting with Jannette and Mark Anthony, Mark Childs of J & C Demo, MDEP's Tim Rector, Andrew Flint and I inspected the leaks, the drums, the ASTs, and piping. Then Ms. Anthony and Mr. Childs agreed to his disposal or recycling of the drums and oil, removal of the building debris, and excavation of the oiled soil for proper disposal. 10/10/08: MDEP issued a Notice of Violation (NOV) for prohibited oil discharges and unregistered piping facility.

INITIAL CLEAN-UP ACTIONS & FURTHER INVESTIGATION: 9/22/08: I met Ms. Anthony and Mr. Childs on site and observed the building debris, drums and old vehicles gone; Childs was pumping several thousand gallons of waste oil from the diesel AST for recycling/reuse in New Gloucester. Three drums of waste oil soil was reported being held offsite for disposal by Clean Harbors Environmental Services (CHES). The oil contaminated areas had unfortunately been filled in and covered with soil and crushed debris inhibiting my ability to locate the spots exactly nor to inspect them for adequacy of the clean-up."

- P-371-2009 - The following information was provided in the Spill Report: "INTRODUCTION: This report covers further clean-up actions for waste oil contaminated soils discovered at this former repair garage and gas station, and documented under spill reports P-427-2008. Anderson Excavation Co. under Brent Anderson excavated soil for the property owner, Ms. Janette Anthony. Stephen Brezinski was primary representative for the Maine Department of Environmental Protection (MDEP).

AREA ASSESSMENT: See earlier MDEP spill reports for information on site and surrounding area and sensitive receptors. MDEP clean-up goal was the reduction in known contaminants so as to protect surface water, groundwater, and threatened drinking water wells. In 2007 the site was assigned a Stringent Clean-Up Goal though the MDEP Clean-Up Decision Tree and is not ideal for oils above the diesel/#2 oil range. During this clean-up through source reduction, dark waste-oil contaminated soils were confirmed as documented in report P-427-2008. Brent Anderson stated to me that he had worked at this garage about 30 years ago and that the waste oil spillage was from the previous facility owner. Ms. Anthony's goals included satisfactorily remediating the discharges in order to sell the property.



**CLEAN-UP ACTIONS:** 5/26/09: After further investigating the extent and severity of the oil-contaminated soil and groundwater in December 2008 the property owner, Ms. Janette Anthony hired Anderson Septic and Excavation Company to remove soils and to haul them off-site for recycling. The waste oil contamination had been cleared to go to CPRC Recycling after analysis in September 2008 (see report P-427-2008). Under direction of Stephen Brezinski of the MDEP, 101.06 tons of oiled soil were excavated and hauled to CPRC Recycling. The tainted soil was visibly darkened and had a strong odor of weathered oil. Anderson will replace the removed soil with new, clean fill. The base of the excavation is represented by soil sample SS-1 with a Diesel Range Organics (DRO) analysis level of 78 parts per million (ppm). This represents soil left behind, unremoved. The Stringent Clean-Up Goal recommends a 10 ppm clean-up goal for soil. The removed soil is represented by sample SS-2 with 4,970 ppm DRO, taken from the sidewall of the excavation (see Photo 3). Small, less significant peaks about in the #2 oil range appear on this sample's chromatogram. The groundwater found at 6 feet below grade had no visible free product or oil sheen. The groundwater table was approximately one to two feet deeper than noted in December 2008; the intermittent brook was dry on 5/26/09. Sample WS-1 represents groundwater in the excavation and was found to have 275 parts per billion (ppb) of DRO. Recommended remediation of groundwater under a Stringent Goal is 50 ppb. No groundwater was removed or treated during this clean-up.

**CONCLUSION & RECOMMENDATIONS:** A. At this time I believe the bulk of the worst-contaminated soil has been removed from this area. Small amounts along the edges of the excavation or inaccessible around boulders may remain. Oil contaminated water and soil is understood to remain on-site and should be properly managed, as a Maine Special Waste, if encountered, even if below present clean-up action levels. See letter of 6/19/09 for further information. B. No hazardous constituents were found in the 2008 sample analysis, long-chain hydrocarbons in the motor and lube oil range I understand to be less of an environmental and health threat to drinking water than the lighter more volatile oils, and these types of oils are less mobile. For these reasons further waste-oil remediation was not pursued at this time. C. This case and report has been referred to MDEP Technical Services Division for further evaluation due to the nearby residential wells. D. These waste oil discharges were the result of drum leaks, purposeful spilling and/or poor housekeeping and no underground or aboveground storage tanks were involved."

Normantus Property - Normantus Lane

- P-1035-2001 - The following information was provided in the Spill Report: "The Normantus property is an accumulation of years' worth of stuff. From Paris runner sleds to 20,000 gallon fuel tanks and anything in between. The property once operated as a regional incinerator but now is just a regional repository for unwanted items. The site has an ominous look to it with old abandoned commercial building housing a waste to energy furnace, and dilapidated industrial buildings. Several large tanks and dozens of old containers litter the property. No outward signs of free product can be seen, but the storage capacity, that is in less than pristine containers, is voluminous. No DEP Response actions planned at this time, possible Uncontrolled Sites or EPA candidate of which government parties are aware."

## 4.2.2 Registered Petroleum Tanks Database

TRC reviewed the MEDEP's Registered Petroleum Tanks Database, which identified ten existing/former tanks at one property within 1/4-mile of the Site. The Site is not listed on MEDEP's Registered Petroleum Tanks Database.

Anthony's Texaco and Garage – 1111 Pequawket Trail (RT 113):

- Tank #1 – Steel 1,000-gal gasoline UST. Installed: 09/01/1972. Status: Removed.
- Tank #2 – Steel 1,000-gal gasoline UST. Installed: 09/01/1972. Status: Removed.
- Tank #3 – Steel 2,000-gal diesel UST. Installed: 11/01/1984. Status: Removed.
- Tank #4 – Steel 1,000-gal diesel UST. Installed: 10/01/1969. Status: Removed.
- Tank #5 – Steel 2,000-gal diesel UST. Installed: 10/01/1969. Status: Removed.
- Tank #6 – Steel 1,000-gal diesel UST. Installed: 10/01/1969. Status: Removed.
- Tank #7 – Steel 5,000-gal gasoline AST. Installed: 10/01/1969. Status: Out of Service.
- Tank #8 – Steel 5,000-gal gasoline AST. Installed: 10/01/1969. Status: Out of Service.
- Tank #9 – Steel 5,000-gal gasoline AST. Installed: 10/01/1969. Status: Out of Service.
- Tank #10 – Steel 5,000-gal gasoline AST. Installed: 10/01/1969. Status: Out of Service.

### 4.2.3 Remediation Sites Database

TRC reviewed the MEDEP's Remediation Sites Database, which identified one remediation site listed within 1/4-mile of the Site. The Site is not listed on MEDEP's Remediation Sites Database.

Normantus Property - Normantus Lane

- The Normantus Property is identified as a remediation site however no specific remedial details were available and the status is listed as "transferred to other division". See Spill Report P-1035-2001 (above) for additional information:

### 4.2.4 Solid Waste – Closed Municipal Landfills Database

TRC reviewed the MEDEP's Closed Municipal Landfills Database, no landfills were listed at the Site or within 1/4-mile of the Site.

### 4.2.5 Solid Waste – Recycling Locations Database

TRC reviewed the MEDEP's Recycling Locations Database, no recycling locations were listed at the Site or within 1/4-mile of the Site.

## 4.3 Site Reconnaissance

### 4.3.1 Methodology and Limiting Conditions

Mr. Charles Springer and Mr. Joe Laverriere conducted a Site reconnaissance of accessible areas on and around the Site on May 13<sup>th</sup>, 2016. Photographs taken during the reconnaissance are provided in **Appendix 4**. A Site Layout Plan identifying key features is provided in Appendix 1.

### 4.3.2 Interior and Exterior Site Observations

The Site reconnaissance consisted of visual and/or physical observations of the Site, as well as visual curbside observations of adjoining properties and general area characteristics. Structure interiors were observed, if they were safely accessible. Exterior and unimproved portions of the Site were observed along the perimeter and in a general grid pattern in safely accessible areas.

Out of service industrial equipment typical of gravel pit operations (conveyers, shakers, portions of a crusher plant, etc.) were observed in the southern cleared area of the Site. Equipment appears to have been idle for a number of years. Associated with this equipment, approximate six storage containers/trailers were observed containing various equipment and supplies (filters, spare parts, office supplies, etc.) to support former gravel pit operations. Disconnected hydraulic lines were observed on and around the equipment. Minor staining was noted on the ground surface in some locations.

Two Aboveground Storage Tanks (ASTs) were observed in the southern cleared area of the Site. One 300-gal (approximate) diesel/fuel oil AST was located within a trailer. The fill gauge read approximately  $\frac{1}{4}$  full. Staining was observed within the trailer on the AST and on the floor and walls. The exterior of the trailer exhibited only minor staining. Staining was not observed on the ground surface below the trailer. The second fiberglass AST (unknown size) was observed on the ground surface and overgrown with vegetation. The former use of the AST is not known. Staining was not observed on the ground surface surrounding this AST.

Across the cleared portions of the Site, minor evidence of debris were observed, including PVC piping, 5-gal buckets, water hose, plastic sheeting, tires, concrete/brick rubble, etc. Significant dump areas were not identified.

Railroad tracks bisect the Site (north/south).

### 4.3.3 Surrounding Properties

Surrounding properties in the area of the Site generally include mixed residential/commercial and undeveloped land. The Saco River exists to the west of the Site.

Surrounding Properties of note:

- Anthony's Texaco and Garage (1111 Pequawket Trail/RT 113), a vacant/former gas station, was observed from the road (RT 113). The former pump island and garage structure were observed. Staining was observed on the concrete pad of the former pump island. An abandoned truck was also observed.
- Normantus Property (Normantus Lane), a vacant incinerator, was observed from the road (RT 113). While observations were obstructed by topography, debris appear to be spread across the property.

## 4.4 Summary of Findings

Based on this LESA, TRC provides the following findings regarding potential Areas of Environmental Concern associated with the Site.

- Database Listing - The Site was listed on the "US Mines" Federal database. P.Y. Estes & Sons, INC. is listed as the operator and has been issued ten violations between 2009 and 2015. Details regarding the specific violations were not available in the EDR report or within available MEDEP online files. The Site was not identified on other searched Federal or state databases.
- Aboveground Storage Tanks - Two ASTs were observed on the Site. One 300-gal (approximate) diesel/fuel oil AST is located in a trailer in the area of the former crusher plant and does not appear to have been serviced in a number of years. The fuel gauge read approximately  $\frac{1}{4}$  full. Staining

was observed within the trailer, on the AST, and on the floor/walls. The exterior of the trailer exhibited only minor staining. Staining was not observed on the ground surface below the trailer. A fiberglass AST (unknown size) was observed on the ground surface and overgrown with vegetation near the former crusher plant. The use of the AST is not known. Staining was not observed on the ground surface surrounding this AST.

- *Industrial Equipment* - Out of service industrial equipment, typical of gravel pit operations (conveyers, shakers, portions of a crusher plant, etc.), was observed in the cleared areas of the Site. Equipment appears to have been idle for a number of years. Minor staining was observed on the ground surface around disconnected hydraulic lines and other equipment.
- *Dumping and Debris* - Across the cleared portions of the Site, minor evidence of debris were observed, including PVC piping, 5-gal buckets, water hose, plastic sheeting, tires, concrete/brick rubble, etc. Significant dump areas were not identified.
- *Offsite Petroleum Contamination* - Documented spills have occurred at Anthony's Texaco and Garage (1111 Pequawket Trail/RT 113) located at a presumed up gradient offsite location. Soil and groundwater at the property is impacted by petroleum products. Given the presumed flow of groundwater, any onsite dewatering activities in the north eastern portion of the Site may encounter petroleum contaminated groundwater, which would need to be managed in accordance with state and Federal regulations.

## 5.0 RECOMMENDATIONS

TRC will provide final recommendations upon request following Town Review of this document and presentation of findings.

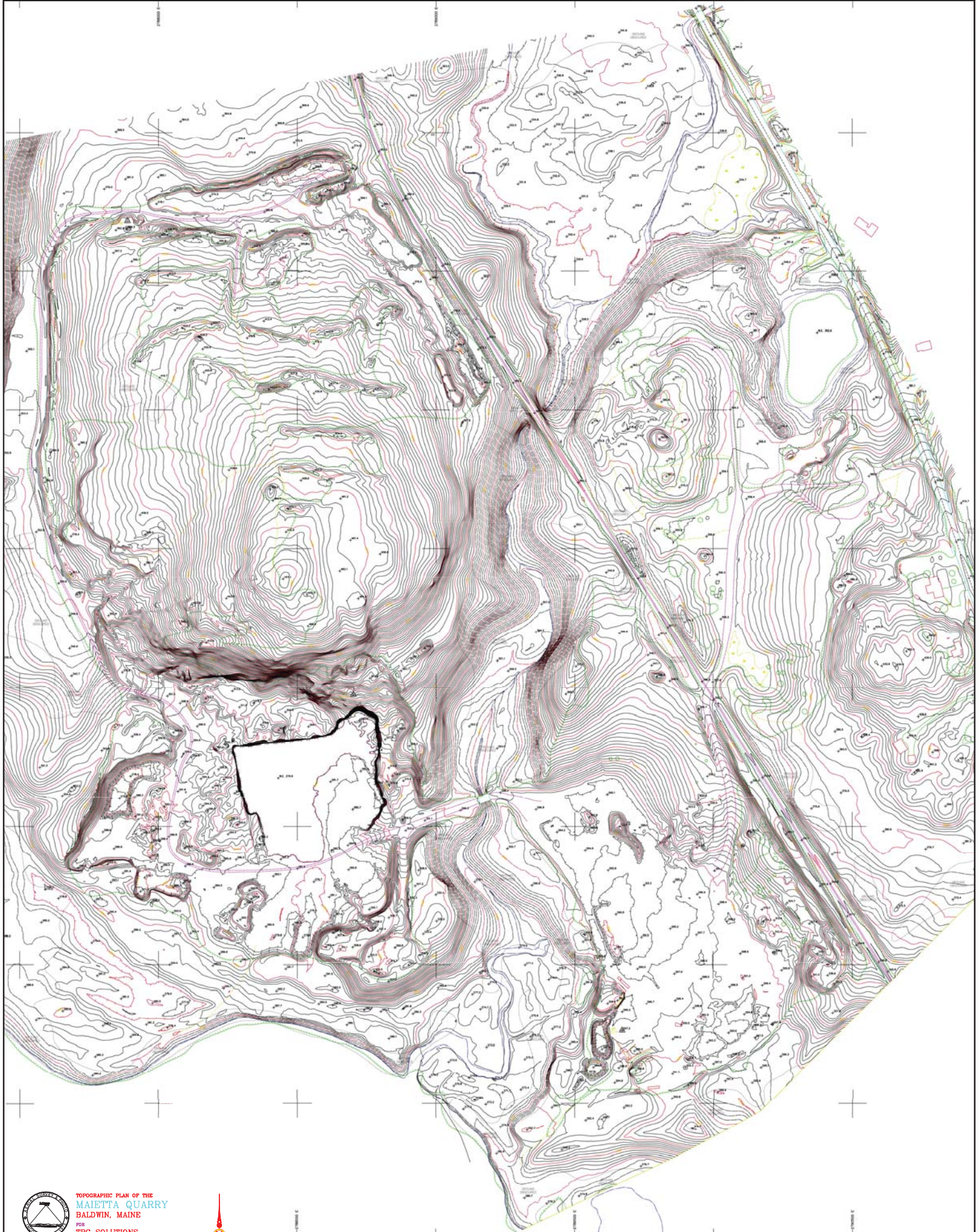


## **Appendix 1**

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Site Drawings





**TOPOGRAPHIC PLAN OF THE  
MAIETTA QUARRY  
BALDWIN, MAINE  
FOR  
TRC SOLUTIONS**

PREPARED BY: AERIAL SURVEY & PHOTO, INC.  
ROXBOROUGH, MAINE

DATE: 08/20/16  
PROJECT NO: 16-001  
SHEET NO: 1 OF 1  
SCALE: 1" = 100'

CONTOURS IN AREAS DESIGNATED "WORKING DISCLOSED" MAY BE APPROXIMATE  
AND REPRESENT FORM LAND ONLY. THESE AREAS ARE DESIGNATED BY SOME  
EMPTY CORNER, SHADOWS OR OTHER OBSTRUCTIONS.

		240 WESTERN AVENUE AUGUSTA, ME 04330		PROJECT NO: 16-001		MAIETTA QUARRY AERIAL SURVEY	
REV	DESCRIPTION	DATE	DES	CHK	APP		
						BALDWIN	
						MAINE	
						1-1	





TOPOGRAPHIC PLAN OF THE  
MAIETTA QUARRY  
BALDWIN, MAINE  
FOR  
TRC SOLUTIONS

PREPARED BY: AERIAL SURVEY & PHOTO, INC.  
HERSHEY, PENNSYLVANIA, PA 17033

DATE: 07/27/16  
PROJECT NO: 251861

DATE: 07/27/16  
PROJECT NO: 251861

CONTOURS IN AREAS DESIGNATED "WORKING QUARRY" MAY BE APPROXIMATE  
AND REPRESENT FORM AND ONLY. THESE AREAS ARE DERIVED BY SOME  
EMPTY CORNER, SHADOWS OR OTHER OBSTRUCTIONS.



240 WESTERN AVENUE  
AUGUSTA, ME 04330

PROJECT NO: 251861

REV	DESCRIPTION	DATE	DES	CHK	APP
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					



MAIETTA QUARRY  
AERIAL SURVEY WITH ORTHOMAGERY

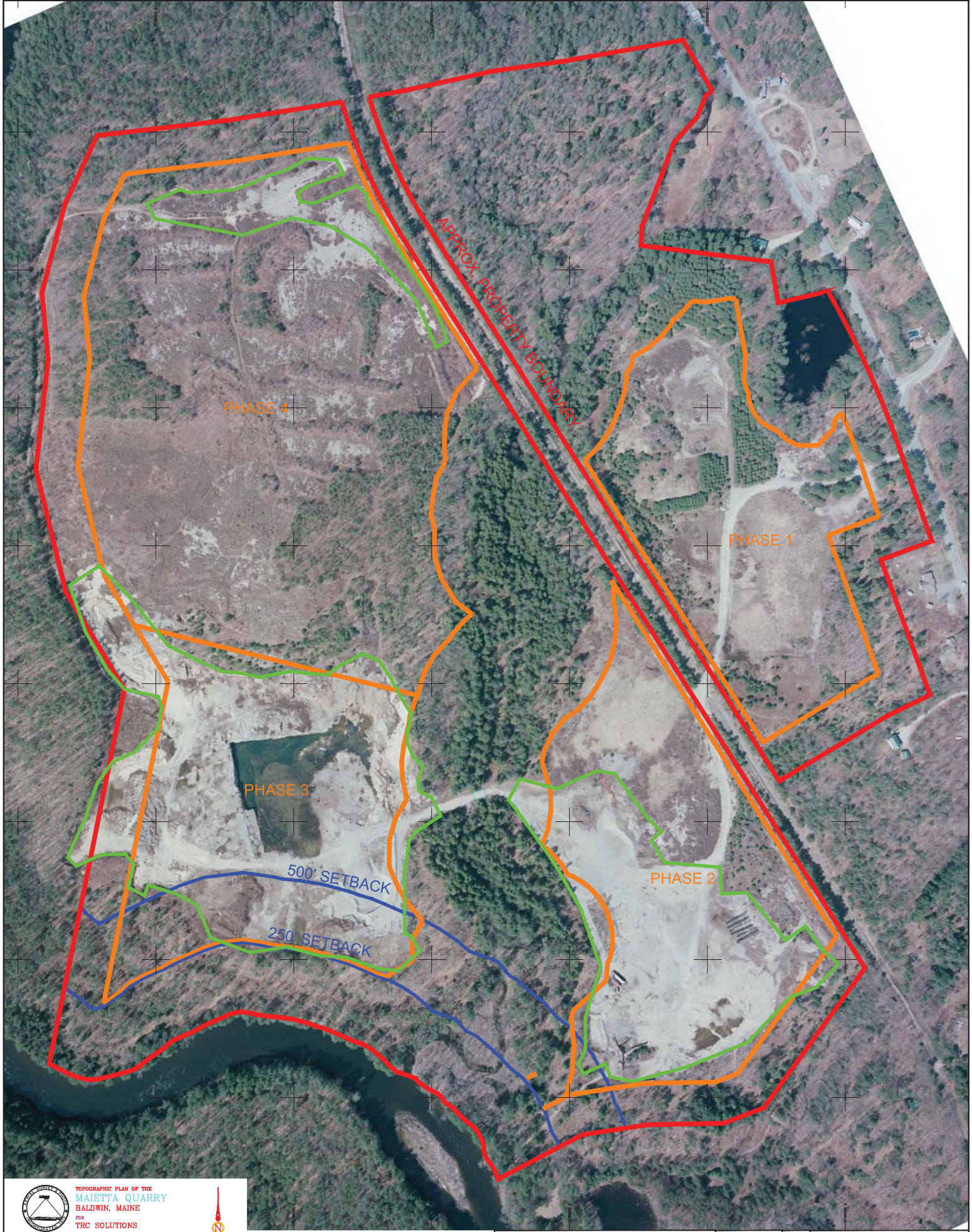
BALDWIN

DATE: 07/27/16  
PROJECT NO: 251861

CONTOURS IN AREAS DESIGNATED "WORKING QUARRY" MAY BE APPROXIMATE  
AND REPRESENT FORM AND ONLY. THESE AREAS ARE DERIVED BY SOME  
EMPTY CORNER, SHADOWS OR OTHER OBSTRUCTIONS.







TOPOGRAPHIC PLAN OF THE  
**MAIETTA QUARRY**  
BALDWIN, MAINE  
FOR  
TRC SOLUTIONS

PREPARED BY: AERIAL SURVEY & PHOTO, INC.  
HERKIMER, NEW YORK

DATE: 07/27/16  
PROJECT NO: 16-001

CONTAINS: 1. AERIAL PHOTOGRAPHY  
2. TOPOGRAPHIC DATA  
3. SETBACK LINES  
4. PROPERTY BOUNDARY

CONTAINS: 1. AERIAL PHOTOGRAPHY  
2. TOPOGRAPHIC DATA  
3. SETBACK LINES  
4. PROPERTY BOUNDARY



240 WESTERN AVENUE  
AUGUSTA, ME 04330

PROJECT NO: 16-001

REV	DESCRIPTION	DATE	DES	CHK	APP
1					
2					
3					
4					



MAIETTA QUARRY  
PROJECT BOUNDARIES

BALDWIN

MAINE

1-3



REV



## **Appendix 2**

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1992 Agreement

## AGREEMENT

This Agreement is made by and between the Town of Baldwin, being a municipality under the laws of the State of Maine hereinafter referred to as "the Town" and Maietta Enterprises, Inc., A Maine corporation with a place of business in Scarborough, Maine, hereinafter called "Maietta".

WHEREAS Maietta Enterprises, Inc. applied for and received a permit for the operation of a certain gravel pit located off Route 113 in the Town of Baldwin; and

WHEREAS the permit issued by the Town was based on certain conditions of approval and representations made by Maietta in its application with respect to the operation of the gravel pit and improvements which would be made; and

WHEREAS it appears that during the now existing construction and operation of the pit, Maietta has not met all of the conditions and fulfilled all of the representations made by it in its application and may have violated certain other rules and regulations and laws of the Town of Baldwin and State of Maine; and

WHEREAS the Town has been apprised of the situation, and made its own independent investigation with an independent consultant and legal counsel in regard to the operation of the gravel pit; and

WHEREAS the parties have met to review the circumstances which now exist and may exist with respect to future operations of the gravel pit; and

WHEREAS the parties are willing to enter into an agreement, the effect of which will be to allow continued operations of the gravel pit provided that Maietta makes certain changes, improvements and corrections with respect to the operation and development of the gravel pit;

IT IS THEREFORE AGREED AS FOLLOWS:

1. SETBACKS. Maietta shall ensure that all setback limits which have been established on the face of the earth shall remain clearly visible. This is done in order to prevent there being any encroachment by the employees of Maietta within the legally required setback requirements and to permit the Town and/or Maine DEP representatives to examine the operation for the purpose of establishing no violations of law are taking place. The parties acknowledge that in order to ensure that the setback distances are not encroached upon, it is necessary for the location of the setbacks to be marked on the face of the earth and clearly visible. Otherwise, it is not possible to determine that the limits of the work have not violated the legally mandated setback limitations. Maietta further agrees to clearly mark the setback limits for work in the Phase Three area prior to commencing work in Phase Three.

2. BUFFERS. The berm which has been constructed along the Route 113 side of the project shall be loamed and planted on the side facing Route 113 and the Pond so it is not so visible to the public from the road.

3. RAILROAD SETBACK. Maietta shall provide a copy of a written setback agreement between it and Guilford Railroad Company to establish that, in fact, Guilford Railroad Company agrees that Maietta's operation may take place within the 150 foot setback requirement established by State law. At the present time it appears that the operation has, in fact, encroached upon the 150 foot setback requirement and there is no evidence of any written agreement with the railroad allowing such activity now exists.

4. GROUNDWATER PROTECTION. The permit granted to Maietta requires that there be at least 5 feet of undisturbed earth left in place over any ground water level within the sit. However, bedrock has been discovered in a portion of the Phase One site which could require a change in the groundwater protection plan established by Maietta's hydrologist (Gerber). Maietta agrees to have the issue reviewed by Gerber and a new groundwater drainage protection plan established if it is determined that the ledge would effect the existing groundwater protection plan.

5. LOAM ON SITE. The parties acknowledge that another substantial concern of the Town is that there be sufficient loam on the site itself to be used for reclamation purposes. Maietta agrees to stockpile loam at the site at a rate of 500 cubic yards per acre of unreclaimed area. The loam shall be used to reclaim the gravel pit site and the surrounding landscape. Further, Maietta agrees that if the Town should find itself in a position of having to



reclaim the project itself, Maietta will sell to the Town, loam at the rate of \$4.00 per cubic yard delivered to the site. This is to ensure the Town that the bond amount will be sufficient to permit the Town to complete the reclamation project, including the cost of spreading the materials, if Maietta fails to do so.

6. FUEL STORAGE. Maietta shall install one 1000 or one 500 gallon above ground tank within a concrete casing dike for fuel storage for use of machinery other than the "plant" operation. Fueling of equipment on vehicles in the open pit area shall be kept to a minimum in order to avoid possible spillage and contamination.

7. EXPANSION BEYOND PHASE ONE. The parties agree that there shall be no expansion beyond the existing Phase One into Phases Two, Three or Four of Maietta's plan until the Town is satisfied that Maietta has substantially complied with the terms of this agreement.

8. CONSULTANT FEES. Whereas the Town has incurred consulting fees as a result of Maietta's failure to fulfill certain conditions established under the permitting process and has apparently violated setback requirements which would serve as a basis for the Town taking legal action against Maietta if it should so choose, in which case, Maietta could be subject to a penalty and the assessment of legal fees incurred by the Town, Maietta agrees to pay to the Town an amount equal to the consulting fees paid by the Town with regard to this matter.

9. BOND. Maietta shall immediately apply for the bond in the amount of \$180,000.00 as required in the Amended Conditional Use Permit.

This Agreement is executed by and on behalf of the Town of Baldwin by its Selectmen whose signature appear below on this 21st day of April, 1992.

This Agreement is executed by and on behalf of Maietta Enterprises, Inc. by Vincent Maietta, an officer of Maietta Enterprises, Inc., thereunto duly authorized this 6th day of April, 1992.

Town of Baldwin by its Selectmen:

Lyndon S Ward

Norman J. McHenry

Alvin D. Doherty

Maietta Enterprises, Inc.

Vincent A. Maietta

by: Vincent Maietta

## **Appendix 3**

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List of Documents Supplied to TRC by Town

**From Town of Baldwin:**

Documents:

- 1989 Town of Baldwin Conditional Use Permit – Conditions of Approval
- 1989 Notice of Intent to File for Permit with SRCC
- 1990 SRCC Permit
- 1990 Amendment to SRCC Permit
- 1990 Notice of Intent to Apply for Site Law
- 1991 Draft/Unexecuted Agreement between Maietta and Town
- 1992 Executed Agreement between Maietta and Town
- 1993 Site Law Modification Order

MDEP Site Inspection Reports:

- 1999, 2008, 2011, 2015

Maps/Drawings:

1989 CUP Application Plans:

- Site Plan
- Plan of Existing Conditions
- Cross Sections
- Detail Sheet

**From Sebago Technics, Inc.:**

Maps/Drawings:

As-built of Gravel Pit Limits (A.K.A. progress maps):

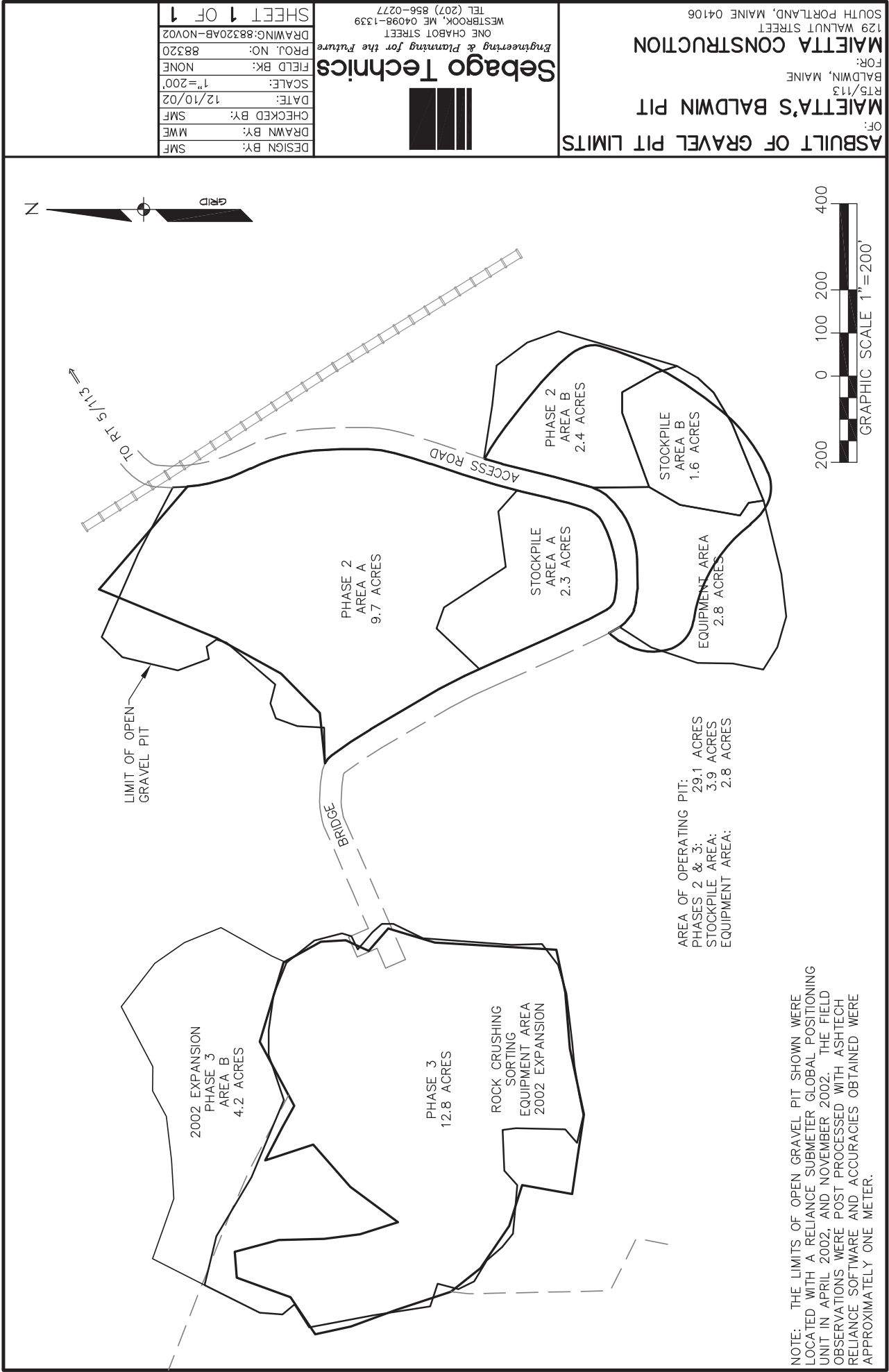
- 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011



## **Appendix 4**

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Copies of Sebago Technics, Inc. Annual Progress Maps (2002-2011)

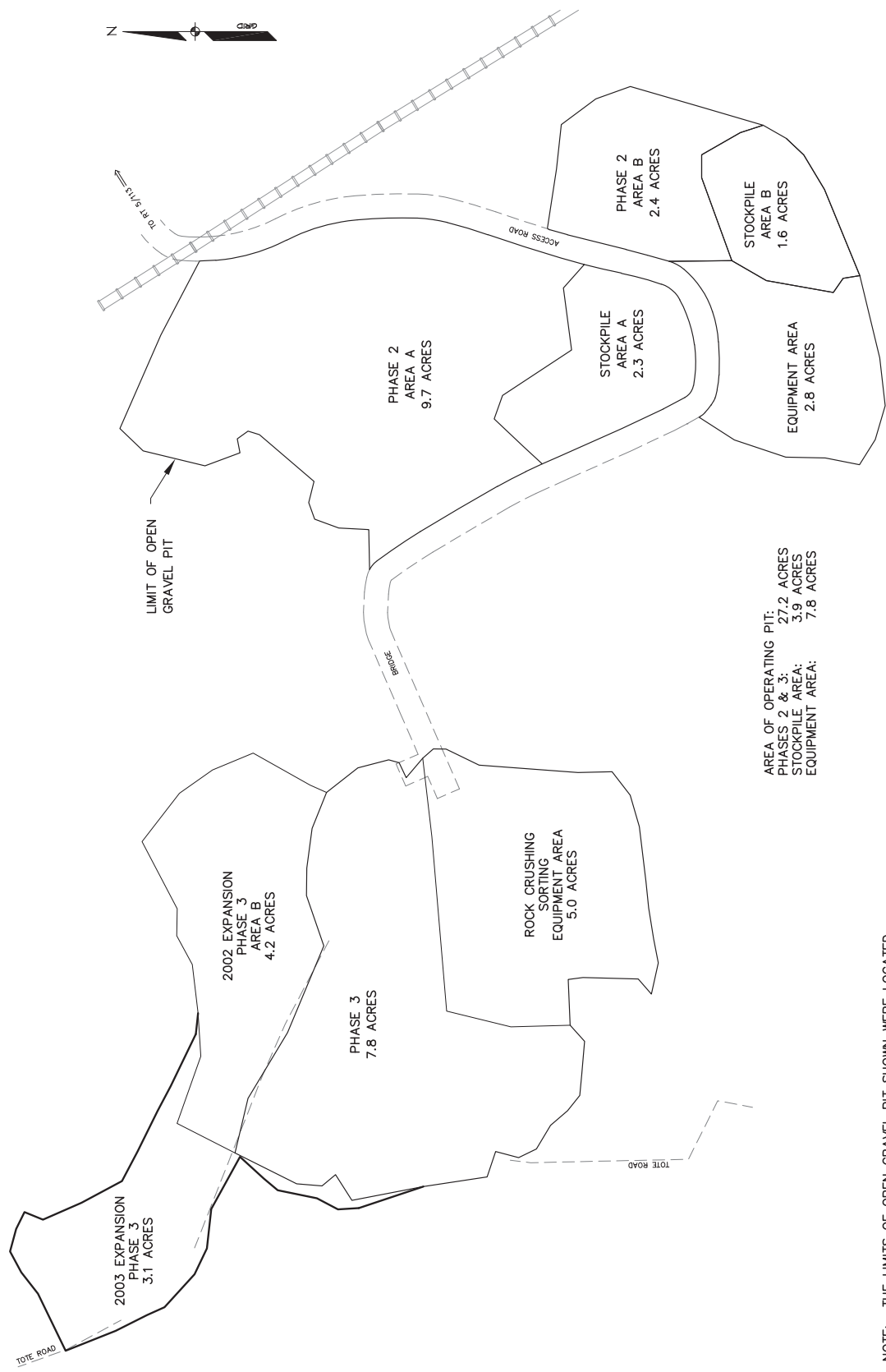


SUIT OF GRAVEL PIT LIM  
 TTA'S BALDWIN PIT  
 5/113  
 1, MAINE  
 TTA CONSTRUCTION CO.  
 NUT STREET  
 PORTLAND, MAINE 04106

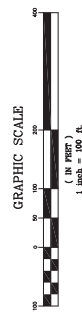
88320	—	SMF	SMF	MWE
PROJECT NO.	FIELD BOOK	DESIGN	CHD	DRAWN

One Chubb Street  
 Westbrook, Me 04098-1398  
 Tel (207) 856-0277

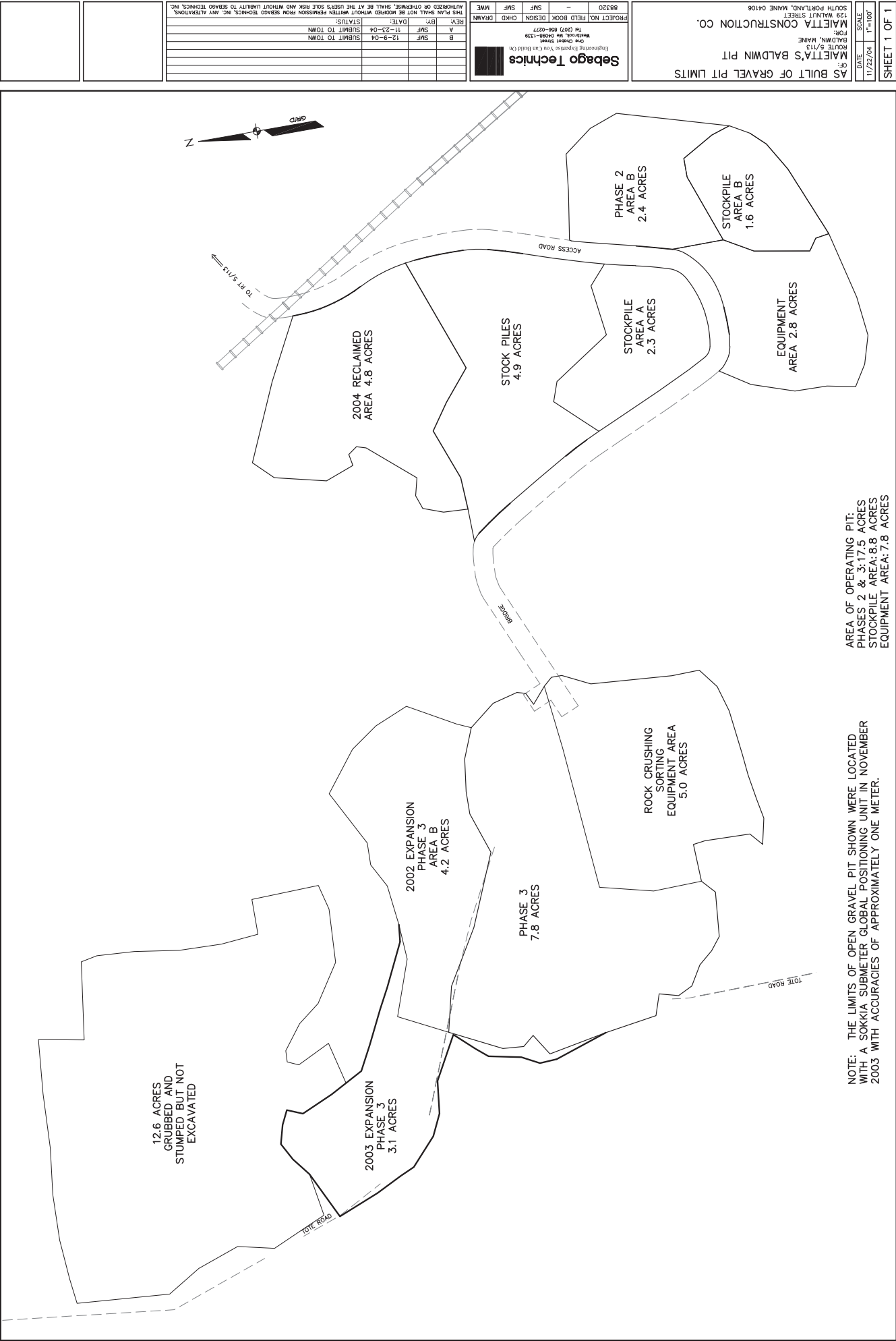
**Sebago Technics**  
 Engineering Experience You Can Build On

[illegible]

AREA OF OPERATING PIT:  
PHASES 2 & 3: 27.2 ACRES  
STOCKPILE AREA: 3.9 ACRES  
EQUIPMENT AREA: 7.8 ACRES

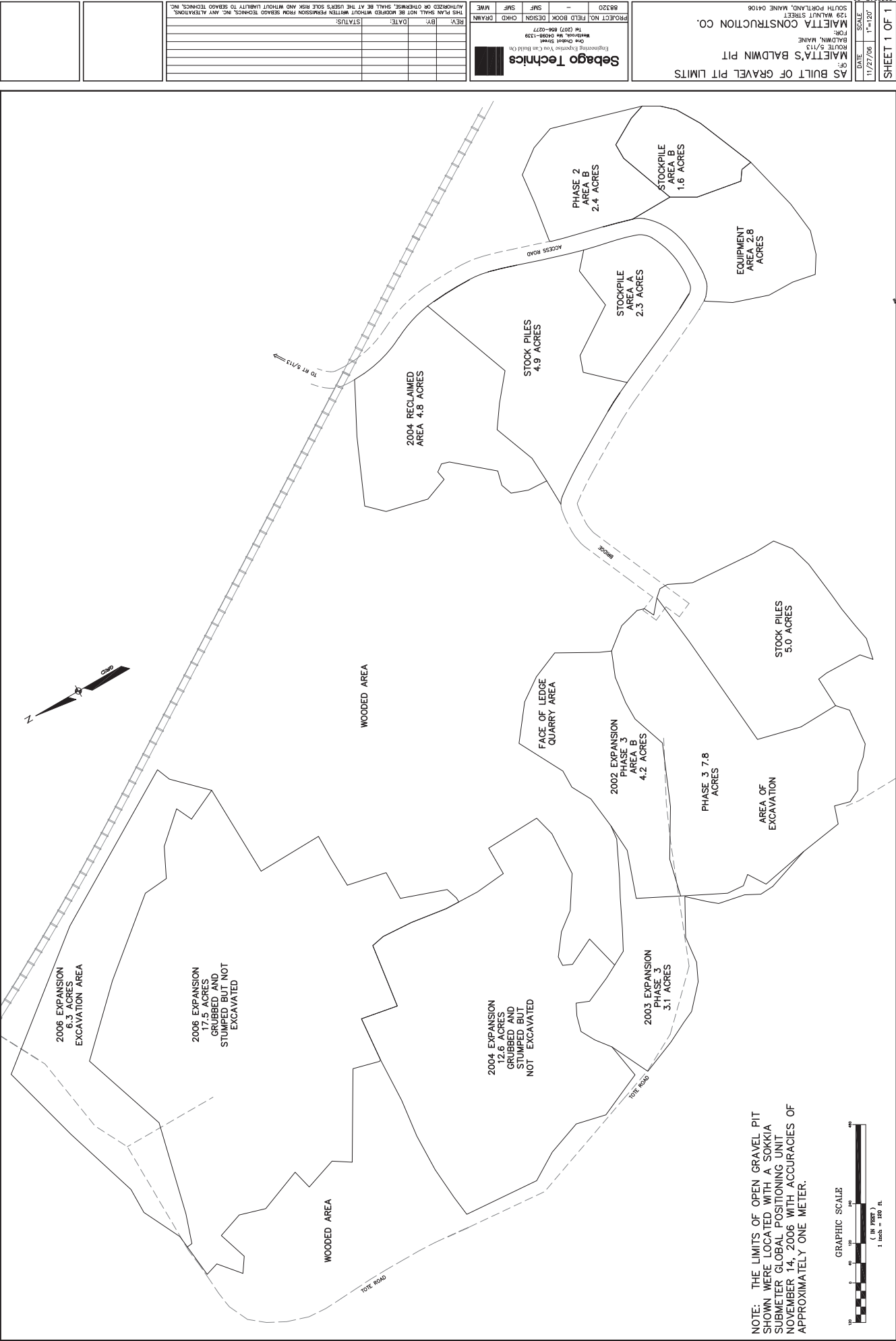


NOTE: THE LIMITS OF OPEN GRAVEL PIT SHOWN WERE LOCATED WITH A SOKKIA SUBMETER GLOBAL POSITIONING UNIT IN NOVEMBER 2003 WITH ACCURACIES OF APPROXIMATELY ONE METER.











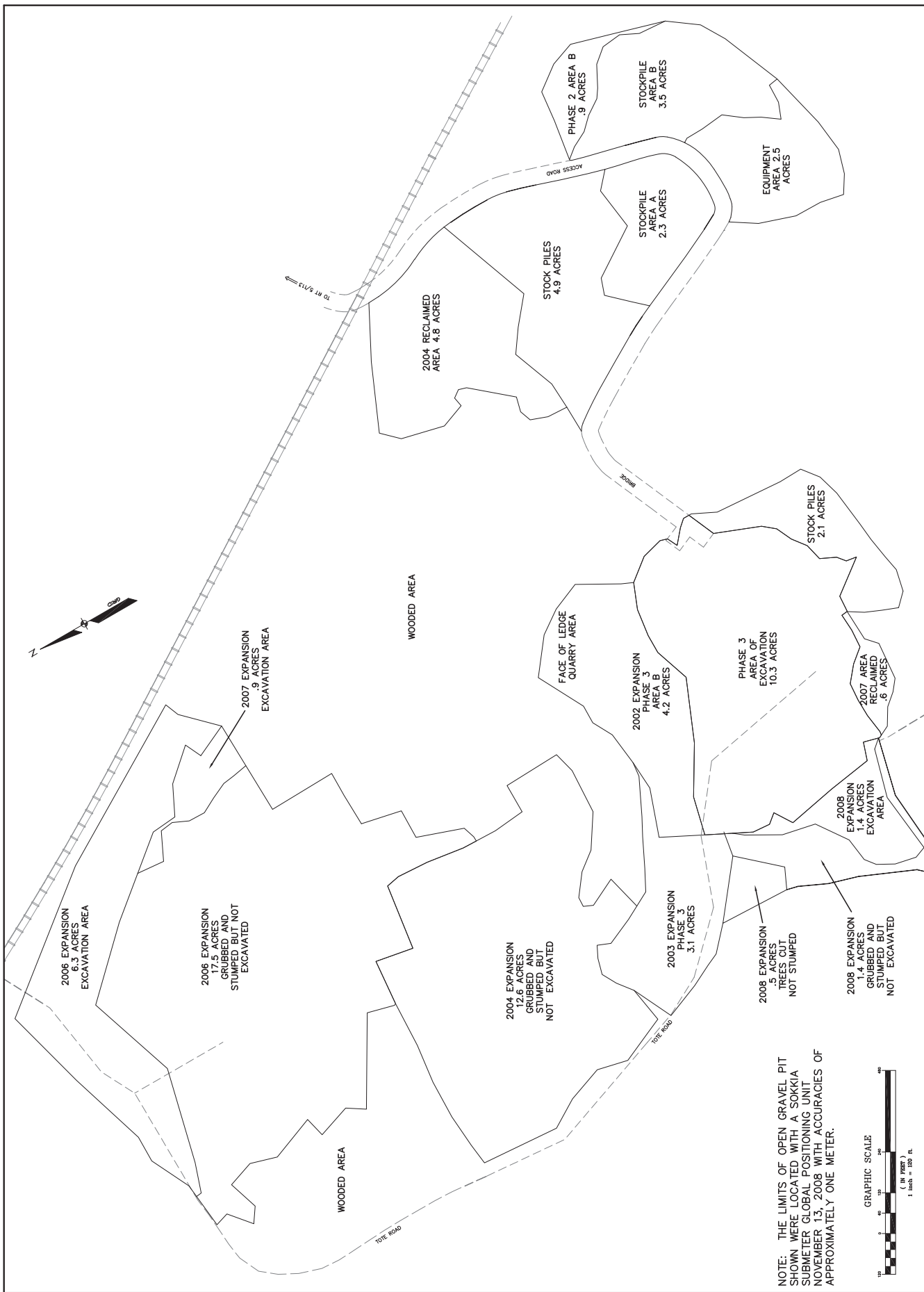
DATE	SCALE
11/13/08	1"=120'

AS BUILT OF GRAVEL PIT LIMITS  
OF:  
MAIETTA'S BALDWIN PIT  
ROUTE 5/113  
BALDWIN, MAINE  
FOR:  
MAIETTA CONSTRUCTION CO.  
129 WALNUT STREET  
SOUTH PORTLAND, MAINE 04106

**Sebago Technics**  
Engineering Expertise You Can Build On

One Condot Street  
Westbrook, Me 04098-1339  
Tel (207) 866-0277

PROJECT NO.	FIELD BOOK	DESIGN	CHGD	DRAWN
88320	-	SJF	SJF	NME

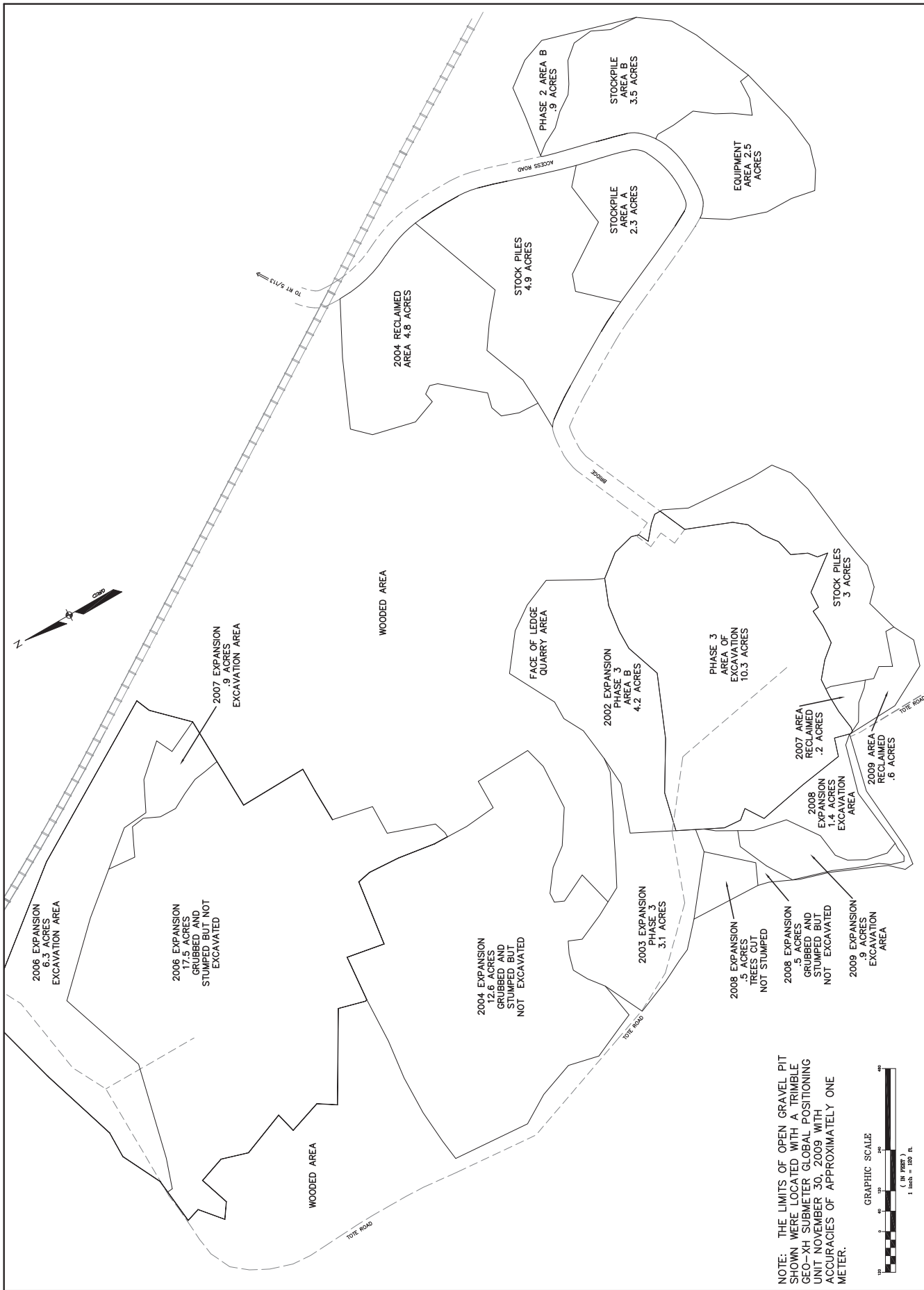
[illegible]

DATE	SCALE
11/30/09	1"=120'

AS BUILT OF GRAVEL PIT LIMITS  
OF:  
MAIETTA'S BALDWIN PIT  
ROUTE 5/113  
BALDWIN, MAINE  
FOR:  
MAIETTA CONSTRUCTION CO.  
129 WALNUT STREET  
SOUTH PORTLAND, MAINE 04106

**Sebago Technics**  
Engineering Expertise You Can Build On  
One Chapel Street  
Westbrook, Me 04098-1339  
Tel (207) 856-0277

PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
88320	-	SMF	SMF	MCC

[illegible]





## **Appendix 5**

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Photolog for Limited ESA

Site Reconnaissance Photo Log  
Maietta Pit  
Baldwin, Maine



1. Industrial equipment observed at the Maietta Pit.



2. One 300-gal (approximate) diesel/fuel oil AST – The fill gauge read approximately  $\frac{1}{4}$  full. Staining observed.



4. Hydraulic hoses with observed staining.



3. Industrial equipment observed at the Maietta Pit.



Site Reconnaissance Photo Log  
Maietta Pit  
Baldwin, Maine



5. Fiberglass AST (unknown size) (unknown content). Staining was not observed on the ground surface.



6. Tires and debris observed throughout the Maietta Pit.



7. Industrial equipment observed at the Maietta Pit.



8. Industrial equipment observed at the Maietta Pit.



Site Reconnaissance Photo Log  
Maietta Pit  
Baldwin, Maine



9. One of six trailers observed at the Maietta Pit.



10. View of contents of a trailer observed at the Maietta Pit.



11. Staining observed at the Maietta Pit.