

Application for Federal Assistance
under CERCLA
State - EPA Cooperative Agreement

Eastland Woolen Mill, Corinna, ME

Submitted by:
State of Maine
Department of Environmental Protection

May 2012

Application for Federal Assistance SF-424

| | | |
|--|--|--|
| * 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application | * 2. Type of Application: <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision | * If Revision, select appropriate letter(s): _____ * Other (Specify): _____ |
|--|--|--|

| | |
|------------------------------|--------------------------------|
| * 3. Date Received: _____ | 4. Applicant Identifier: ME |
|------------------------------|--------------------------------|

| | |
|---|--|
| 5a. Federal Entity Identifier: _____ | * 5b. Federal Award Identifier: V96129601 |
|---|--|

State Use Only:

| | |
|----------------------------------|--|
| 6. Date Received by State: _____ | 7. State Application Identifier: _____ |
|----------------------------------|--|

8. APPLICANT INFORMATION:

| | |
|---|---|
| * a. Legal Name: State of Maine | |
| * b. Employer/Taxpayer Identification Number (EIN/TIN): 01-6000001 | * c. Organizational DUNS: 80-904-55-86 |

d. Address:

| |
|-----------------------------------|
| * Street1: 17 State House Station |
| Street2: _____ |
| * City: Augusta |
| County: Kennebec |
| * State: Maine |
| Province: _____ |
| * Country: USA: UNITED STATES |
| * Zip / Postal Code: 04333-0017 |

e. Organizational Unit:

| | |
|--|--|
| Department Name: Maine Dept. of Environmental Protection | Division Name: Division of Remediation |
|--|--|

f. Name and contact information of person to be contacted on matters involving this application:

| | |
|---|----------------------------|
| Prefix: Ms. | * First Name: Rebecca |
| Middle Name: L. | |
| * Last Name: Hewett | |
| Suffix: _____ | |
| Title: Superfund Site Project Manager | |
| Organizational Affiliation: Maine Dept. of Environmental Protection | |
| * Telephone Number: (207) 287-8554 | Fax Number: (207) 287-7826 |
| * Email: rebecca.l.hewett@maine.gov | |

Application for Federal Assistance SF-424

9. Type of Applicant 1: Select Applicant Type:

A. State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

U.S. Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.802

CFDA Title:

Superfund State Site-Specific Cooperative Agreements

*** 12. Funding Opportunity Number:**

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Corinna, Penobscot County, Maine

*** 15. Descriptive Title of Applicant's Project:**

The State of Maine will develop and impliment on selected properties the Institutional Control Component of the Remedial Action at the Eastern Woolen Mill Superfund Site in Corinna, Maine to limit groundwater use. The State costs associated with this project are to be applied to MEDEP's 10% cost share on superfund site activities.

Attach supporting documents as specified in agency instructions.

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16. Congressional Districts Of:

* a. Applicant ME - 2

* b. Program/Project ME - 2

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

* a. Start Date: 10/1/2012

* b. End Date: 9/30/2013

18. Estimated Funding (\$):

* a. Federal \$0
* b. Applicant \$173,550
* c. State 0
* d. Local 0
* e. Other 0
* f. Program Income 0
* g. TOTAL \$173,550

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on 4/12/2012 .
 b. Program is subject to E.O. 12372 but has not been selected by the State for review.
 c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.) Applicant Federal Debt Delinquency Explanation**

Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Ms. * First Name: Patricia
Middle Name: W.
* Last Name: Aho
Suffix:

* Title: Commissioner

* Telephone Number: (207) 287-2812 Fax Number: (207) 287-2814

* Email: patricia.aho@maine.gov

* Signature of Authorized Representative: Patricia W. Aho * Date Signed: 4/24/2012

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*** Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

[Empty text input area for Applicant Federal Debt Delinquency Explanation]

BUDGET INFORMATION - Non-Construction Programs

| SECTION A - BUDGET SUMMARY | | | | | | |
|--|---|-----------------------------|-----------------|-------------|-----------------------|--------------|
| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | ESTIMATED UNOBLIGATED FUNDS | | | NEW OR REVISED BUDGET | |
| | | FEDERAL (C) | NON-FEDERAL (D) | FEDERAL (E) | NON-FEDERAL (F) | TOTAL (G) |
| 1. CERCLA | 66.802 | \$ | \$ | \$ | \$173,550.00 | \$173,550.00 |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. | | \$ | \$ | \$ | \$173,550.00 | \$173,550.00 |
| SECTION B - BUDGET CATEGORIES | | | | | | |
| | GRANT PROGRAM, FUNCTION OR ACTIVITY | | | | | |
| | (1) Federal 2011 | (2) State 2011 | (3) | (4) | (5) | TOTAL (5) |
| 6. Object Class Categories | | | | | | |
| a. Personnel | | \$14,000 | | \$ | | \$14,000 |
| b. Fringe Benefits | | \$7,000 | | | | \$7,000 |
| c. Travel | | | | | | |
| d. Equipment | | | | | | |
| e. Supplies | | | | | | |
| f. Contractual | | \$152,550.00 | | | | \$152,550.00 |
| g. Construction | | | | | | |
| h. Other | | | | | | |
| i. Total Direct Charges (sum of 6a-6h) | | \$173,550.00 | | | | \$173,550.00 |
| j. Indirect Charges @0 | | 0 | | | | 0 |
| k. Totals (sum of 6i and 6j) | \$ | \$173,550.00 | | \$ | | \$173,550.00 |
| 7. Program Income | | \$ | | \$ | | \$0.00 |

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SECTION C - NON-FEDERAL RESOURCES

| (a) Grant Program | (b) applicant | (c) State | (d) Other Sources | (e) TOTALS |
|--|---------------|---------------|-------------------|---------------|
| 8. State Superfund Cooperative Agreement | \$ | \$ 173,550.00 | \$ | \$ 173,550.00 |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. TOTALS (sum of lines 8 and 11) | \$ | \$ 173,550.00 | \$ 0 | \$ 173,550.00 |

SECTION D - FORECASTED CASH NEEDS

| | Total for 1st Year | 1st Quarter | | | | 4th Quarter |
|------------------------------------|--------------------|--------------|--------------|--------------|--------------|--------------|
| | | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter | |
| 13. Federal | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 14. Non Federal | \$ 173,550.00 | \$ 43,387.50 | \$ 43,387.50 | \$ 43,387.50 | \$ 43,387.50 | \$ 43,387.50 |
| 15. TOTAL (sum of lines 13 and 14) | \$ 173,550.00 | \$ 43,387.50 | \$ 43,387.50 | \$ 43,387.50 | \$ 43,387.50 | \$ 43,387.50 |

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

| (a) Grant Program | (b) First | (c) Second | (d) Third | (e) Fourth |
|-----------------------------------|-----------|------------|-----------|------------|
| 16. | \$ | \$ | \$ | \$ |
| 17. | | | | |
| 18. | | | | |
| 19. | | | | |
| 20. TOTALS (sum of lines 16 - 19) | | | | |

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

| | |
|---------------------|-----------------------|
| 21. Direct Charges: | 22. Indirect Charges: |
| | |
| 23. Remarks | |
| | |
| | |

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

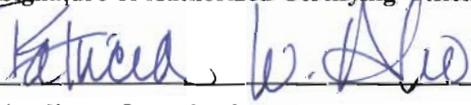
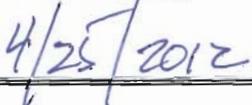
As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L.88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3,) as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42, U.S.C. § 3601 et seq.) as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) and other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a)

institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-910) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

| | |
|--|--|
| Signature of Authorized Certifying Official:  | Title: Commissioner |
| Applicant Organization: Maine Department of Environmental Protection | Date Submitted  |

Maine Budget Estimates
For IC Development
Eastern Woolen Mill, Corinna

| <u>Task</u> | <u>Est. Cost</u> |
|--|----------------------|
| 1.) Title Search 30 parcels x \$330 | \$9,900 |
| 2.) Subordination Agreements 30 parcels total x 750 | \$22,500 |
| 3.) Survey parcels 10 complex surveys x \$6,425 | \$64,250 |
| 4.) Recordings 30 parcels x \$330 | \$9,900 |
| 5.) IC Acquisition Settlement and Closings 20 parcels x 500 attorney fees 14 parcels x 1,500 water costs | \$10,000 \$21,000 |
| 6.) Estimated Staff Expenses* 7/1/2010 to 6/03/2013 Personnel @600 hours Fringe @50% | \$14,000 \$ 7,000 |
| 7.) Contingency costs | <u>\$15,000</u> |
| Sub Total | \$173,550 |
| Indirect (ineligible) | <u>\$0</u> |
| TOTAL | \$173,550 |

* see Attachment 1 for detailed staff activities under the CA being requested for consideration as eligible expenses

Attachment 1
State Project Manager Activities
Segregation of State-EPA Cooperative Agreement and State Superfund Contract

With this request for time extension of the Eastland Woolen Mill State EPA Cooperative Agreement, the MEDEP is also requesting clarification that Project Manager staff expenses directly related to IC development is an eligible expense within this cooperative agreement. The revised CA includes the updated itemization of estimated costs. Please note that the total does not increase above the originally approved \$173,550 but rather the allocation of costs have shifted as Maine DEP staff performed tasks that were initially expected to be performed by contractors.

With MEDEP taking the lead on obtaining the IC's (environmental covenants and any subsequent subordination agreements), MEDEP staff have engaged in activities which under a State Superfund Contract would have been the responsibility of the EPA Project Manager or a hired contractor. These state project manager activities are more extensive and detailed under the CA than those that would have been undertaken under an SSC. MEDEP activities under the current CA include the following:

- Prepare environmental covenants language (several versions for several properties over the past year & a half), subordination agreements, etc. with assistance of an assistant attorney general.
- Coordinate DEP team development of documents (such as, EC's, subordination agreements, survey plan, boundary descriptions, etc.).
- Coordinate Property owner review of documents (Town, MDOT, MDOC & CMP).
- Learn & understand different administrative processes that each property owner will use to get EC document approved internally & signed
- Address questions and negotiating EC issues/language.
- Review deeds and applicable survey plan/sheets and evaluating encumbrances/interests in properties to determine the need for subordination agreements.
- Prepare the final EC packages for signing & hand off to legal contractor for recording
- Prepare copies for distribution.
- Prepare copies of title work for distribution to EPA.
- Develop and administer contracts including the development of the scope of work, development of contract documents, hiring of contractors, coordinating work, addressing contract related issues, reviewing invoices, approving payments, etc. Contracts to date include:
 1. MDOT contract for legal support in preparation of the title work. MEDEP activities related to this contract include review the title work, providing access to a property attorney for legal input, providing suggested IC language development to make EC's more "registry friendly", and evaluating encumbrances for possible subordination agreements.

2. CES, Inc. contract to survey three parcels (owned by Town, MDOT & MDOC). MEDEP activities included input in the preparation of the survey plan, review of prepared boundary descriptions and review and approval of the final survey plan for the registry of deeds.

State Superfund Contract:

Under a State Superfund Contract, State functions would have been in a support role to EPA lead development of the required ICs. EPA would likely hire a contractor (USACE or other private contractor) to oversee and conduct the IC development and implementation activities. Maine DEP staff activities would, under this scenario, have consisted of the following:

- Coordination of State project team (including MEDEP, ME AG Office and MEDOT legal team)
- review of draft documents for survey plans, boundary descriptions, environmental covenants, subordination agreements, property deeds, etc. developed by EPA
- answer questions relating to state requirements regarding IC development;
- assist EPA w/ contacts and discussions w/ MDOT &/or MDOC.
- review of EPA developed final documents
- identification of ARARs

SPO



Maine State Planning Office

Executive Department

PAUL R. LePAGE
Governor

DARRYL BROWN
Director

May 3, 2012

Mr. Theodore Wolfe

Maine Dept. of Environmental Protection
17 State House Station
Augusta, ME, 04333-0017

ME-IGR#: 371941

Project: APPLICATION FOR FEDERAL ASSISTANCE UNDER CERCLA STATE - EPA COOPERATIVE AGREEMENT
EASTERN

Location: Corinna, ME

This is to certify that the above referenced application underwent Intergovernmental Review in compliance with Federal Executive Order # 12372 and 5 MRSA Subsection 3305 Subsection S1 (J.K.).

Even though this proposal has undergone the Intergovernmental Review process, the applicant is still responsible for meeting the requirements of all other federal, state or local laws and authorities applicable to the proposed project. All proposals involving construction should obtain an advisory opinion from the Maine Department of Environmental Protection (207-287-7688) or, if the project is located within an unorganized territory, the Land Use Regulation Commission (207-624-8551) prior to initiating construction activity.

Sincerely,

A handwritten signature in cursive script that reads "Linda C. LaPlante".

Linda LaPlante
Review Coordinator

OFFICE LOCATED AT: 184 STATE STREET, 38 STATE HOUSE STATION, AUGUSTA MAINE

PHONE: (207) 287-6077

internet: www.maine.gov/spo

FAX: (207) 287-6489