



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

July 27, 2021

SENT VIA EMAIL

Mason Station LLC  
Attn: Daniel Pennessi and Joe Cotter  
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Greenwich, CT 06830  
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[Jcotter@nationalresources.com](mailto:Jcotter@nationalresources.com)

**Re: Draft Administrative Order by Consent for the Mason Station Power House Site, Wiscasset, Maine**

Dear Mr. Pennessi and Mr. Cotter:

This letter is in regard to the Mason Station Power House site located on Point East Drive in Wiscasset, Maine (“Site”). As previously discussed, to date there has been insufficient progress in the investigation and remediation of environmental harms and risks of harms at the Site. To address this, the Maine Department of Environmental Protection (“MEDEP”) provided a draft Administrative Order by Consent (“AOC”), dated 12/4/2020, that formally set out the required environmental investigation and remediation actions at the Site, and timelines for completing them. The draft AOC was provided to representatives of Mason Station LLC, the current owner of the Site, as well as past owners and operators FPL Energy Mason LLC (“FPL”) and Central Maine Power Company (“CMP”). Pursuant to Maine’s *Uncontrolled Hazardous Substance Sites Law*, 38 M.R.S. §§ 1361-1371, these three entities are Potential Responsible Parties (“PRPs”) at the Site, as defined in 38 M.R.S. § 1362(2).

The draft AOC issued on December 4, 2020 was an offer to settle this matter with the consent of the PRPs and to avoid the prospect of lengthy administrative and legal proceedings, as well as to better utilize the time and resources of the PRPs, which would be better applied to remediating the Site. At that time, MEDEP requested that the PRPs provide any proposed edits to the draft AOC. Since issuing the draft AOC, MEDEP has met three times with the PRPs, on 12/15/2020, 1/27/2021, and 3/11/2021, to discuss the issues outlined in the draft AOC. In these meetings, the PRPs expressed reluctance at entering into the proposed AOC for a number of reasons, including, but not limited to, financial assurance requirements and the scope of the requested investigation and remediation activities. Please also see MEDEP’s letter dated 4/22/2021 to the PRPs which outlined some of MEDEP’s concerns with the Site and lack of progress from the PRPs regarding the draft AOC.

On 5/6/2021, FPL and CMP provided MEDEP with separate written responses indicating neither company is willing to enter into an AOC and indicated that Mason Station LLC should continue to voluntarily investigate and remediate select areas of the Site. On 6/4/2021, Mason Station LLC provided a revised redline version of the draft AOC. Those proposed redline changes contained substantial edits

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that limited the scope of the requested investigation and remediation and removed PRPs CMP and FPL from the proposed AOC. The edits proposed by Mason Station LLC eliminated important provisions of the agreement such that MEDEP is unwilling to enter into the agreement as revised by Mason Station LLC. As indicated in my letter dated 4/22/2021, MEDEP is willing to modify or remove language in the draft AOC related to removal of lead paint, requirements for soil vapor or indoor air sampling, removal of bird guano, and the request for environmental covenants at the location of the off-Site former marine oil terminal. These items appear to be relatively minor issues of contention in comparison to the other items needing investigation and remediation that are outlined in the draft AOC. In order to move forward in a cooperative manner, a version of the AOC substantially more similar to the original draft AOC would be necessary, as would inclusion of the other PRPs as signatories.

On 7/21/2021 Mason Station LLC submitted an updated workplan to remove PCB impacted soil and which was intended to address comments previously provided by both EPA TSCA and MEDEP. An initial draft workplan to assess the extent of documented releases of PCB hazardous wastes inside the Power House Building was also submitted for review. MEDEP is in the process of reviewing the plans and will provide any comments when that review is complete.

In an email dated 3/18/2021 to Mason Station LLC, MEDEP requested that damaged friable asbestos be abated within 45 days; however, no abatement has been completed to date. In a letter to MEDEP dated 5/6/2021, Mason Station LLC submitted a plan (dated 4/7/2021) to perform additional asbestos assessment and to develop a scope of work for partial abatement of damaged asbestos at some undetermined time in the future. MEDEP still believes full abatement of asbestos is necessary and will be the most durable long-term remedy for the asbestos issue. None of the PRPs are currently willing to completely abate the asbestos and the risk associated with the observed damaged and friable asbestos still needs to be dealt with. Within 10 days of receipt of this letter provide an update on the status of completing the partial abatement and the name of the licensed abatement company that will perform the work. Mason Station LLC has also asserted that no one other than licensed asbestos professionals are currently allowed to enter the building due to the risks associated with the friable asbestos. During a 7/7/2021 Site visit by MEDEP, Mason Station LLC employee Tim Harrington (caretaker) was again observed working inside the building despite not being a licensed asbestos professional. It is unclear whether Mason Station LLC, as the employer, has made Mr. Harrington aware of the hazards inside the building, what if any precautions he is taking, or what work he is performing.

Mason Station LLC indicated in their 5/6/2021 letter to MEDEP that the extensive roof leaks in the Power House Building cannot be repaired until at least 9/1/2021 due to shortages of roofing and construction materials. Within 10 days of receipt of this letter provide written documentation that Mason Station LLC has attempted to engage qualified roofing companies to undertake the repair work and a commitment and schedule to complete this work once materials are available. Ongoing extensive roof leaks throughout the building have contributed to the deterioration of asbestos in the building and caused hazardous waste PCB oil to spread inside the building, which is connected to a series of outfall pipes to the nearby Sheepscot River, so it is important these repairs be completed as soon as possible.

Given the PRP's unwillingness to further assess the potential for impacts to sediment near the Power House outfall pipes and lack of action to date to assess impacts to the interior of the building from hazardous waste PCBs and other contaminants, MEDEP is exploring undertaking some of this investigation, possibly with assistance from EPA's Pre-Remedial program.

Given that the Department has provided the PRPs every opportunity and years to comply with their legal obligations, but the PRPs have been unable or unwilling to resolve the serious health, safety, and environmental concerns at the Site, MEDEP may still pursue unilateral enforcement action against the PRPs or refer the case to the Office of the Maine Attorney General.

Sincerely,

*Chris Redmond*

Chris Redmond  
Manager, Uncontrolled Sites Program  
Bureau of Remediation & Waste Management  
Maine Department of Environmental Protection

Cc: Danielle Obery, Project Manager, MEDEP Division of Remediation (via email)  
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