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14 Baxter Boulevard
 Portland, Maine 04101
 Phone: 207-773-4753
 Fax: 207-761-5886

Narrative Information Sheet
FY2024 EPA Brownfields Cleanup Grant Application
Former Kiley Parcel, 33 West Presumpscot Street, Portland, Maine

1. Applicant Identification

	Portland Housing Development Corporation
	14 Baxter Blvd.
	Portland, ME 04101-1822
2. Funding Requested

a. Grant Type	Single Site Cleanup
b. Federal Funds Requested	\$1,000,000
3. Location

a. City	Portland
b. County	Cumberland County
c. State	Maine
4. Property Information

	Former Kiley Parcel
	33 West Presumpscot Street, Portland, ME 04103
	Lots 9 & 10, Block E, Tax Map 167
5. Contacts:

a. Project Director: Jay Waterman, Director of Real Estate Development, Portland Housing Development Corporation, 14 Baxter Blvd., Portland ME 04101; 207-773-4753 x8227; jwaterman@porthouse.org	
b. Chief Executive: Brian Frost, Executive Director, Portland Housing Development Corporation, 14 Baxter Blvd. Portland ME 04101; (207) 761-5886 x8203; bfrost@porthouse.org	
6. Population: The Portland Housing Development Corporation and the Former Kiley Parcel are located in the City of Portland, Cumberland County, Maine, which has a population of 68,313 (2021 census).

7. Other Factors:

Other Factors	Page #
Community population is 10,000 or less.	NA
The applicant is, or will assist, a federally recognized Indian tribe or United States territory.	NA
The proposed brownfield site(s) is impacted by mine-scarred land.	NA
Secured firm leveraging commitment ties directly to the project and will facilitate completion of the remediation/reuse; secured resource is identified in the Narrative and substantiated in the attached documentation.	3
The proposed site(s) is adjacent to a body of water (i.e., the border of the proposed site(s) is contiguous or partially contiguous to the body of water, or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).	NA
The proposed site(s) is in a federally designated flood plain.	NA
The reuse of the proposed cleanup site(s) will facilitate renewable energy from wind, solar, or geothermal energy.	3
The reuse of the proposed cleanup site(s) will incorporate energy efficiency measures.	3
The proposed project will improve local climate adaptation/mitigation capacity and resilience to protect residents and community investments.	2,7
The target area(s) is located within a community in which a coal-fired power plant has recently closed (2013 or later) or is closing.	NA

8. Releasing Copies of Application: Not applicable. The application does not have confidential, privileged, or sensitive information.



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

October 23, 2023

Portland Housing Development Corporation
Attn: Jay Waterman
14 Baxter Boulevard
Portland, ME 04101

Dear Jay Waterman:

The Maine Department of Environmental Protection (Department) acknowledges that Portland Housing Development Corporation, as a qualified non-profit, plans to conduct the cleanup of a brownfield site and is applying for a FY24 EPA Brownfields Cleanup Grant.

Portland Housing Development Corporation has developed an application requesting site-specific federal Brownfields Cleanup funding for the Front Street-Kiley Parcel Site, located at 33 West Presumpscot Street, Portland, Maine.

The Department affirms that the Front Street-Kiley Parcel Site:

- i. Is eligible to be enrolled in the Department’s voluntary response program;
- ii. Is currently enrolled in the voluntary response program; and
- iii. Has had a sufficient level of site characterization from the environmental site assessments performed to date for the remediation work to begin on the site.

For any questions regarding this letter, please contact me at 207-215-8597.

Sincerely,

Christopher Redmond
Department Brownfields Coordinator
Voluntary Response Action Program Manager
Bureau of Remediation and Waste Management, Division of Remediation
Maine Department of Environmental Protection

cc: Katy Deng, EPA Brownfields Region 1

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION

1.a Target Area and Brownfields

1.a.i Overview of Brownfield Challenges and Description of Target Area

The Front Street/West Presumpscot Street neighborhood (the **Target Area** of this grant application) is a two- by six-block residential area comprising the southern portion of Census Tract 0023, and is situated between Back Cove, Washington Ave., and Interstate 295 in the Portland, Maine. The **Former Kiley Parcel** (our Site) is located centrally in our Target Area. This Target Area is a residential neighborhood directly adjacent to the highly developed, urban corridors associated with Washington Ave. and Interstate I-295, and it is home to some of the most racially diverse, economically challenged, and vulnerable populations in the City. Due to a large housing complex maintained by the Portland Housing Authority (PHA), the Target Area is one of the primary settlement areas for Portland’s incoming immigrant population. The fully occupied PHA development, Front Street East (Phase 1) with 60 family apartments, is comprised of a 72% minority population (versus Portland’s 17% or Maine’s 5% minority population); Front Street West (Phase 2) is under construction for 45 units for older adults. The Kiley Parcel represents Phase 3 of this housing project.

There are portions of our Target Area that, in the early 1900’s, were formerly tidal marshlands, and other areas that were completely covered by Back Cove. At this time, Back Cove was the discharge point for Portland’s industrial waste and residential sewage facilities; sediments of Back Cove have been identified to contain lead, cadmium and mercury due to the industrial and shipbuilding sites, tanneries, foundries, and oil storage facilities on the shores of Portland Harbor¹. Additionally, in the mid-1900s, these areas were filled to facilitate development; and as was typical at that time, brickyards and quarries provided fill material, and urban fill/refuse including the remnants from a historic 1866 fire that ravaged the Portland Peninsula. Environmental investigations conducted in the area identified up to 14 feet of urban fill materials, wood, coal ash, metal, debris and bricks. These fill materials overlie marshy sediment that are contaminated by heavy metals and industrial byproducts.

The Washington Street/Interstate I-295 corridors adjacent to our Target Area experience extremely high traffic volumes and are characterized by urban development and underutilized brownfield properties including gas stations, automotive facilities, and former industrial properties. There are also dozens of multi-unit residential buildings within a quarter mile of the Site that are in substantial need of repair; over 60% of these residential structures were constructed pre-1970 and nearly 90% are heated with oil. Based on their age and condition, these run-down apartments were likely constructed utilizing hazardous but readily available building materials, such as asbestos materials and lead paint.

This blighted Target Area and their contaminated soils abut many low-income multi-family residential units (including our Site), the PHA Front Street Phase 1 and 2 development, the Payson Park/Community Garden, Presumpscot Elementary School, Seaside Rehabilitation Nursing Home, and the popular Back Cove multi-use trail; as such, soil contamination has the potential to adversely impact area residents, children, minority populations, and individuals using the area for recreation. Contaminated surficial soils present throughout these low-income housing units reinforces the disproportionate environmental justice concerns experienced by these families. The lack of affordable housing in Portland forces families to live in conditions which pose a threat to their health and the health of their children. This Brownfield Cleanup grant would be used to mitigate impacts associated with contaminated urban-filled soils in the center of our Target Area and would create much-needed housing units in a neighborhood that is in dire need of safe and affordable housing options.

1.a.ii Description of the Proposed Brownfield Site(s)

The subject of this grant application is the **Former Kiley Parcel**, a vacant, 0.41-acre site located at 33 West Presumpscot St. in Portland, which was developed with a house in 1922. That structure was demolished, and the Site has remained vacant since 2021. The Site is located in a residential neighborhood and is located approximately 700 feet from Back Bay; as stated above, the Site is comprised entirely of urban fill materials placed there to historically fill the marshlands associated with Back Bay. Historic investigations have identified up to 14 feet of urban fill material and surficial soils that are contaminated with benzo(a)pyrene and lead at concentrations which exceed the MEDEP Remedial Action Guidelines for the “Residential” and “Construction Worker” exposure scenarios.

The Kiley Parcel is the final part of a three-phase residential redevelopment project currently being constructed by the PHA on two adjacent Front Street properties that included the demolition of 18

¹ http://muskie.usm.maine.edu/cascobay/pdfs/dirty_history.pdf

dilapidated public housing apartment buildings (and the demolition of the former house on the Kiley Parcel), and replacing those units with a mixed-use residential campus containing 105 new apartments in five buildings. 100% of the housing units constructed as part of the first two phases of this project were permanently affordable, not-for-profit owned housing receiving Federal housing assistance; PHA's demographic data shows that 65% of those occupied households are Extremely-Low Income (ELI, at or below 30% of Area Median Income), and 30% are Very-Low Income (VLI, at or below 50% of Area Median Income). These new housing units integrated the residents from the former public housing building into the new neighborhood, with no displacement of tenants. Redevelopment of the Kiley Parcel (Phase Three) will be a mix of market-rate and attainable housing and will include the construction of an 8-unit townhome with 6 units reserved for purchase by households earning at or below 120% Area Median Income (AMI). The goal of this phase of development is to develop homeownership units to balance rental housing and encourage homeownership among the broader Front Street Housing community, as well as helping to achieve the City's Workforce Housing Program goals. These eight homeownership units also directly respond to neighborhood resident requests during the planning and permitting process to include affordable homeownership opportunities.

1.b Revitalization of the Target Area

1.b.i Reuse Strategy and Alignment with Revitalization Plans

The proposed redevelopment of the Kiley Parcel includes the construction of an eight-unit townhome with six units reserved for purchase by households earning at or below 120% of AMI. This residential development will be the third phase of a larger Front Street Redevelopment project which includes an additional 60 units of family housing and 45 units of senior housing serving extremely-low- and low-income households. Of the new rental units in Phase 1 and Phase 2, 65% will be for households at or below 50% of the AMI (50 units will have Project Based Rental Assistance); 15% of the units will be for households earning up to 60% AMI; 20% of the units will be unrestricted with rents discounted by 5%-10% reaching "workforce housing" households that the City is targeting in their recent housing needs study; 10% of the units will have a set-aside for homeless households; and another 10% of the units will have a preference for homeless or disabled households.

The reuse of the Kiley Parcel, as well as the overall Front Street redevelopment, is directly in-line with the City of Portland's 2017 Comprehensive Plan, which identified a need for affordable housing across all incomes, and discusses the work currently being performed in partnership with PHA and Portland Housing Development Corporation (PHDC). The Front Street project is also directly in-line with Portland's 2002 seminal housing plan ("Housing: Sustaining Portland's Future") which established policy goals to ensure an adequate supply of housing to meet the needs, preferences, and financial capabilities of all Portland households (especially low-income and vulnerable populations). Over the past two years, there have been numerous newspaper articles, media reports, emergency meetings and public forums regarding the lack of affordable housing in the City, and the struggles facing renters and homebuyers, especially those which are among sensitive or minority populations. The PHA currently has a waiting list for public housing of nearly 2,000 families. The redevelopment of the Kiley Parcel will provide much-needed safe and affordable living opportunities to many sensitive populations present in the Target Area, including minorities, children, and the elderly.

In 2017, the City updated Division 30 of the Zoning Code, providing affordable housing projects in certain zones density and height bonuses. This was performed through a public involvement process, and the Front Street Redevelopment project was mentioned at numerous planning board workshops and City Council meetings as a project that would directly benefit from the Division 30 incentives. This project will move forward with higher densities to help alleviate the affordable housing shortage.

1.b.ii Outcomes and Benefits of Reuse Strategy

Remediating this Site and constructing new housing will have immediate direct and positive impacts to public welfare, health, and the environment; will stimulate the economy, reduce blight, improve community morale and neighborhood investment; and improve the quality of life in the targeted community. The cleanup will provide area resiliency in light of climate change conditions by limiting the ability for storm events or rising flood waters to come into contact with impacted soils. Property values within the immediate neighborhood will rise due to the enhanced use of the Site, and the elimination of the environmental stigma and safety concerns. This redevelopment will result in new homes being constructed and may result in the creation of commercial support businesses, restaurants, and retail stores being constructed to cater to the increased number of residents.

The proposed redevelopment will increase the City's tax base. Currently, the Kiley Parcel incurs a

nominal amount (under \$1,000 per year); however, once redevelopment occurs and the new townhomes are transferred to new ownership, the City is estimated to receive \$50,000 per year in taxes. Additionally, many jobs will be created. The remediation period, anticipated to last 2 months, will create approx. 25 laborers and construction jobs, and the affordable housing development work will use the skills of up to 175 construction-related professionals in full-time positions. Perhaps most important is that 8 housing units will be created on the Kiley Parcel, in an area of the City characterized by low incomes, minority populations, and sensitive populations such as children. As an affordable homeownership development, this project will provide “missing middle” housing that for those who cannot afford the City’s high housing prices, but don’t qualify for low-income housing. The Kiley development will reflect the unique built environment and social character of the neighborhood; enhance community participation, increase accountability of various groups, and actively promote a sustainable and diverse neighborhood focused on job opportunities and the creation of wealth.

The project design will emphasize the importance of energy efficiency, green remediation, and water management and will strive for Passive House certification to eliminate the use of fossil fuels for operations. Passive House construction will ensure the buildings in all three phases include a continuous air barrier with an air-tight building envelope, cooling systems, and high-performance windows, insulation, and doors. This cleanup grant will allow the residents of the Front Street Sites and the Target Area to “put down roots” and live in a safe, healthy, resilient, beautiful community.

1.c Strategy for Leveraging Resources

1.c.i Resources Needed for Site Characterization

A Phase I ESA was conducted in 2018, and a Phase II ESA was conducted in 2023; these investigations have provided the necessary information to develop a cleanup plan which limits human exposure to contaminated soils, is protective of the environment, facilitates residential redevelopment, and improves the resilience of the Site to climate change. We anticipate no additional assessment/characterization is needed; however, if unexpected conditions arise, we will seek funding through the City of Portland’s Brownfields Assessment program or through MEDEP 128A funds.

1.c.ii Resources Needed for Site Remediation

Cleanup estimates for the Site are approx. \$1M; as such, we anticipate this EPA Grant will be sufficient for site cleanup. PHDC will be flexible with contractor schedules to receive the lowest bids and will utilize local contractors as feasible. If cleanup bids exceed our budget, we will seek gap funding through the Maine Department of Economic and Community Development, City of Portland, and/or the Greater Portland Council of Governments Brownfield RLF programs. We will also evaluate the use of the Maine Community Development Block Grants program for slum and blight removal.

1.c.iii Resources Needed for Site Reuse

To support redevelopment AFTER cleanup is complete, PHDC will consider funding sources including Housing and Urban Development Grants, U.S. Economic Development Administration (EDA) CARES Grant, Community Development Block Grants, and Maine Community Building Grants, among others. PHDC will also gain revenue from the eventual sale of the constructed homes on Site. However, without capital infusion of the Brownfield cleanup funds to offset the overall redevelopment costs, the proposed package of funding for the third and final phase of the project will not be adequate. Documentation of secured commitments are included as Attachment A.

Name of Resource	Is the Resource for:	Secured or Unsecured?	Additional Details or Information About the Resource
MaineHousing Affordable Homeownership Program	1.c.iii. Reuse	Unsecured	Rolling applications
Genesis TIF Loan	1.c.iii. Reuse	Unsecured	For affordable housing development
Congressional Earmark	1.c.iii. Reuse	In Process	Pending request through Rep. Pingree’s office. Waiting on Appropriations Committee approval.
Portland Housing Trust Fund	1.c.iii. Reuse	Unsecured	For affordable housing development
Sales of Homeowner Units	1.c.iii. Reuse	Unsecured	

1.c.iv Use of Existing Infrastructure

The proposed Site redevelopment capitalizes on infill and reuse principles. City-maintained streets, utilities, and infrastructure (sewer and stormwater collection systems, sidewalks, lighting, etc.) are in-place and will serve the new development. Because the proposed Site reuse remains the same

(residential buildings), public amenities like public transportation are in-place and will continue to be utilized by residents. The Target Area has all necessary infrastructure to support the Site redevelopment.

2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT

2.a Community Need

2.a.i The Community's Need for Funding

The PHDC operates as the real estate development arm of the PHA, developing properties into residential apartment units, which PHA then operates and maintains. Through this arrangement, long-term affordable rental housing and rental assistance is provided to more than 3,000 low-income families, seniors and disabled individuals through its Public Housing and Housing Choice Voucher Programs. Through this, and PHA-operated housing, over 6,500 residents are housed, close to 10% of the City of Portland's population. Future residents of the Front Street Housing development are either rental households designated Extremely Low Income (ELI) or Very Low Income (VLI), or are homeownership households earning at or below 120% AMI through the City's Workforce Housing Program. The completion of this cleanup and redevelopment of the Kiley Parcel will add a net of 8 new housing units at the Site, which will allow 8 additional families to have affordable, safe housing.

Housing supply directly impacts economic growth, and the region's ability to attract and retain workers that contribute to the economy and enhance the vibrancy of our communities. The Maine Housing Production Needs Study², published in October 2023, found that up to 84,300 additional homes will be needed by 2030. Increasing home prices, coupled with declining availability of homes, has made it nearly impossible to find an affordable home in Maine. The PHA currently has a waiting list for public housing of nearly 2,000 families, this put tremendous pressure on the PHDC to find land in Portland which could be redeveloped into housing units. Land and/or developable properties in Portland are not readily available, and the cost for these parcels often exceeds the PHDC/PHA budgets; as such, PHDC frequently obtains contaminated or blighted properties (similar to the Kiley Parcel) on which to build their affordable housing units. This creates an environmental justice issue for the low income and minority populations that live within these housing units, and also increases the cost for residential redevelopment, as environmental assessment and remediation is often needed.

Additionally, 98% of PHA's housing stock is over 50 years old, and 20% is over 75 years old. The 2015 PHA Strategic Vision Plan identified capital needs of \$20-\$25 million over the next 20 year for upkeep/maintenance and recapitalization of these 950 housing units. PHDC and PHA must leverage as many resources as possible to stretch capital resources to continue their residential redevelopment program and maintain nearly 1,000 deteriorating and aging residential units already in their program.

When PHDC began the residential redevelopment on Front Street and the Kiley Parcel, we had not planned for contaminated surficial soils. This unexpected information caused the project to be over-budget and has become a barrier to Site redevelopment. This Brownfield grant is crucial to the redevelopment of this Site, as the environmental cleanup would be the impetus for site reinvestment and development, and the proposed cover systems at the Site would help facilitate redevelopment by providing basic infrastructure (binder pavement, foundations, etc.).

2.a.ii Threats to Sensitive Populations

(1) Health or Welfare of Sensitive Populations

The environmental issues at the Site, including benzo(a)pyrene and lead-contaminated soils, have disproportionately impacted the health of sensitive populations who are limited in their choices for housing options in the Portland Area. Sensitive populations include low-income families (Front Street Phase 1 and Phase 2 sites accommodate 100% low-income families); children (52% of the residents on the Front Street Sites are under 20, and 21% are under 10 years old), and minorities (72% of Front Street tenants are minorities, compared to Portland's 17% or Maine's 5% minority population).

The lead contaminated surficial soils present at the Site are likely due to historic urban fill, as well as flaking/peeling lead-based paint from the former house (typical to the entire Target Area). Lead contamination not only poses an exposure risk to the individuals living on-Site, especially children, it is also a threat to the environment. Through an EPA Community Cares grant, Portland identified lead-contaminated soil in the City as a top concern. The Phase II ESA conducted at the Site in 2023 identified lead concentrations up to 627 mg/kg (the MEDEP residential limit is 140 mg/kg), and in 2015, 1087 soil samples were collected from residential properties throughout Portland and identified

² State of Maine Housing Production Needs Study. (2023). Maine State Housing Authority, Governor's Office of Policy Innovation and the Future, Maine Department of Economic & Community Development

lead concentrations as high as 25,100 mg/kg. These alarming levels pose a threat to children; lead interferes with the development of the body's organs, and according to the Maine CDC, more than 80% of lead-poisoned children in Maine live in rental housing such as those operated by PHA. According to EPA EJScreen, the Target Area is in the 84nd percentile compared to the State for lead paint exposure. According to the ACS 5-year estimates, 62.5% of the housing stock in our Target Area was constructed prior to 1979, when use of substandard housing materials, asbestos, and lead-based paint was common. The urban-fill soils which are present at the Site also contain PAH compounds such as benzo(a)pyrene at concentrations which represent a threat to human health. Studies show that long-term PAH exposure can cause cancer, and laboratory studies on mice indicate that exposure during pregnancy can cause birth defects and decreased birth weights. A 2009 Columbia University study determined that exposure to PAHs by pregnant women causes lower IQ and childhood asthma. PHDC and the City of Portland have an awareness that public health must be a paramount concern for its residents to thrive and be productive members of the community. This is especially true for those individuals affected by environmental injustices; such as low-income residents who, due to the currently housing crisis, have no option but to live in apartments that contain lead, asbestos and other hazardous materials which pose a threat to their health and the health of their children. Low-income residents pay a disproportionate share of their income toward healthcare. Adding environmental contaminants to their other healthcare concerns is overly burdensome to one of the City's most vulnerable populations. 52% of the population at the currently occupied Front Street Housing development are children below the age of 20. This large population of younger, minority residents are vulnerable and potentially exposed to harmful contaminants. Brownfield cleanup and redevelopment of the Kiley Parcel will reduce exposure to historic industrial contamination, improve the health and welfare of residents, improve the economic viability of the Target Area by providing safe and affordable housing units, increase area property values, spur echo development; and revitalize our Target Area by increasing community investment and providing resilience against climate change.

(2) Greater Than Normal Incidence of Disease and Adverse Health Conditions

Brownfield sites, dilapidated and lead-paint containing housing stock, and the widespread soil contamination/urban fill have resulted in greater than normal health impacts to the low income, children, and minority populations residing in our Target Area. According to EPA EJScreen, compared to Maine, the Target Area is in the 90th OR HIGHER percentile for 11 of the 13 environmental justice indexes, including proximity to Risk Management Plan (RMP) Facilities and Superfund Sites (94th and 95th percentiles, respectively) among others. Our sensitive target populations also have a disproportionately high exposure risk to hazardous building materials from an aging and dilapidated housing stock (EJScreen reports that our Target Area is in the 91st percentile for exposure to lead paint). According to the ACS 5-year estimates, 62.5% of the housing stock in the Target Area was constructed before 1979 when asbestos and lead paint were common building materials, versus 56.3% for Maine. This means that more than half of our Target Area residents, many of whom are low income and minority populations, are living in aging homes which may have lead and asbestos impacts, poor indoor air quality, and may be contributing to asbestosis and asthma rates.

EPA EJScreen further supports the idea that air quality in our Target Area have been impacted by the nearby highway and high traffic volumes on Washington Avenue. The Target Area is among the worst areas for air quality in the State of Maine, ranking in the 97th percentile for Particulate Matter, the 96th percentile for ozone, the 96th percentile for diesel particulate matter, the 92st percentile for air toxics cancer risk, and the 99th percentile for air toxics respiratory hazard index. These issues are compounded by the fact that Maine is situated in the nation's "tail-pipe," where the Jet Stream deposits smog, smoke, and ozone; this is partly why Maine has the highest asthma rate in New England. According to the Maine CDC, the percentage of Maine adults with asthma (11.7%) is significantly higher than the percentage among U.S. adults (8%). At 16.5%, the asthma rate for minorities is even higher. According to the Climate and Economic Justice Screening Tool, the Target Property census tract is in the 91st percentile for asthma rates compared to the rest of the State.

Maine ranks higher than the national average in overall cancer rates, chronic respiratory diseases and unintentional injuries. Industrial sites, like those Brownfield sites in the Target Area, typically have soil contamination characterized by PAH compounds and heavy metals; studies show that individuals exposed to these contaminants over long periods can develop cancer and other health impacts. Cleanup and removal of contaminants like the ones identified on-Site will reduce the hazards and mitigate health impacts to the identified sensitive populations in the Target Area and by providing

safe/affordable housing units that do not contain lead paint or other hazardous building materials.

(3) Environmental Justice

(a) Identification of Environmental Justice Issues

Brownfield Sites have dramatically affected the financial conditions around us, causing a cycle of disinvestment and poverty. The Front Street development is comprised of a 72% minority population. Additionally, 100% of the housing units occupied at Front Street Housing receive State and Federal housing assistance; approximately 65% of the households are designated Extremely-Low Income (ELI, at or below 30% of Area Median Income), and 30% are designated Very-Low Income (VLI, at or below 50% of Area Median Income). The Front Street neighborhood has long been stigmatized as a transect of poverty that, because of its public housing and low-income neighborhood status, has been geographically isolated from Portland. It is a direct result of the City’s Urban Renewal policy of the late 1960s and early 1970s that forced residents to move from the Bayside neighborhood to the Target area, onto an informal City dump, to housing that was built by the City using sub-standard construction. PHDC views this as a troubling issue of environmental injustice. People are forced to live in the Target Area, on urban-filled and contaminated land, because these areas represent a lower cost of living compared to more prosperous neighborhoods in Portland. Cleaning up contamination at the Kiley Parcel will allow for safe and affordable housing development in the Target Area.

(b) Advancing Environmental Justice

The City has experienced a downward employment trend, and in the mid 2000’s saw a loss of nearly 30% of its manufacturing jobs. This, combined with Portland’s surge in popularity among a younger generation has created a so-called hollowing out of the population in Maine’s most urban community, meaning the middle class is shrinking while the number of rich and poor residents grows. This is compounded by Portland’s shift from blue-collar manufacturing, industrial, and marine-based jobs to tourist-centered, seasonal, service-industry jobs. These issues have created a housing crisis, which has disproportionately impacted low-income families and minority populations, and created a significant environmental justice issue in areas such as the Front Street Target Area. Maine’s rental market is among the least affordable in the nation, and the National Low-Income Housing Coalition’s annual report showed the average Maine renter’s wage was \$16.76 per hour, while the hourly wage needed to rent a two-bedroom apartment was \$24.73 per hour.

Brownfields funds will help us redevelop the Site and add much needed housing which will reduce this affordable housing gap and provide these residents with housing that they greatly deserve. The project will provide options for homeownership for households earning at or below 120% of AMI, and will integrate the residents from the former public housing building into the new neighborhood, effectively preventing displacement of the sensitive populations. This project targets middle income families currently priced out or unable to purchase a home due to limited supply and overwhelming competition. According to the Zillow Home Value Index, the average Portland home is valued at \$528,770, an increase of 7.7% since this time last year³. Cumberland County saw the median home price increase to \$525,000 in April 2023, which is 41% higher than the statewide median.

2.b Community Engagement

2.b.i Project Involvement & 2.b.ii Project Roles

PHDC will develop a Brownfields Advisory Committee (BAC) which will include PHDC, PHA, members of the PHA Family Self Sufficiency Program, MEDEP, EPA, and project stakeholders as appropriate, and will also team with the following groups.

Name of Organization	Point of Contact (Name & Email)	Specific Involvement in the Project/ Assistance Provided
City of Portland	Mary Davis Housing & Economic Development Interim Director mpd@portlandmaine.gov	The City will assist in outreach efforts by providing mailing labels for residents and abutters, and by sending updates to a Front Street email distribution list
Greater Portland Health	Cassandra Grantham Chief Operating Officer cgrantham@greaterportlandhealth.org	BAC member; will facilitate outreach efforts; will liaison with minority tenants and abutters.

³ Zillow Home Value Index. (September 2023)

Immigrant Welcome Center	Molly Herman molly@welcomeimmigrant.org	Will assist in public outreach and by providing translators and assistance to immigrants in our Target Area
Greater Portland Council of Governments	Paul Johnson pjohnson@gpcog.org	Will assist with public outreach & meetings; Brownfields RLF program assistance as needed.

2.b.iii Incorporating Community Input

PHDC will implement an aggressive, multipronged plan for involving the targeted community and stakeholders in the planning and implementation of this project; soliciting input from the public and affected residents; and responding to questions and concerns in a meaningful way. We anticipate at least two public meetings will be held online or at the Front Street Community Center during the cleanup process (historically, PHDC has provided snacks and childcare to encourage attendance at meetings); and we will create informational flyers, and project summary documents to be publicized on our Co-Urbanize public engagement online platform and on the PHDC website. PHDC will develop an information repository on these websites; this will include public outreach material, status updates, and meeting agendas and minutes. The local community, project partners, and residents will be encouraged to provide feedback via the Co-Urbanize site and the PHDC website, public meetings, and at the PHDC office. The information repository will also include a direct email link for the public to ask questions and provide feedback. PHDC will respond to questions and concerns through direct correspondence, targeted brochures/outreach materials, or an online ‘Frequently-Asked-Questions’ page which will be distributed online and at the Front Street Community Center. If necessary, additional public meetings will be held to address public concerns. We will use the Socially Distant Engagement Ideas for EPA Brownfield Grant Applicants fact sheet as a resource for alternatives to face-to-face meetings (e.g., zoom meetings, QR codes, flyers, local TV, and radio, as needed).

3. TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS

3.a Proposed Cleanup Plan

The objectives of our cleanup plan are to reduce/eliminate the potential for human exposure to contaminated fill materials, facilitate residential redevelopment, provide much-needed affordable housing units, and provide Site resiliency to foreseeable climate change conditions. Our cleanup plan includes: 1) construction of soil cover systems across the entirety of the Site that dovetail with the proposed site redevelopment and include approx. 4,900 SF of building foundation, 4,500 SF of asphalt parking lot and sidewalks, and 8,600 SF of landscape cover systems; 2) installation of a vapor mitigation system and stubbed utilities beneath the building foundation; 3) targeted soil excavation and creation of clean utility corridors; and 4) institutional controls, including an Environmental Media Management Plan and Post-Closure Cover System Maintenance Plan to ensure that future construction and earthwork at the property will not disturb the cover systems or underlying residual contaminated soil. Cleanup contractors will comply with Davis Bacon requirements. During cleanup, the public will be protected through erosion and sedimentation control, dust suppression, and Site security measures; perimeter air monitoring may be conducted to confirm dust/contaminants are not leaving the Site. A Community Engagement Plan (CEP) will be prepared, a public meeting and 30-day public comment period will be conducted, and the ABCA will be finalized. The QEP will prepare a Site-Specific Quality Assurance Project Plan (SSQAPP) and conduct confirmatory soil sampling as necessary. Cleanup documentation will be submitted to MEDEP with a Voluntary Response Action Plan (VRAP) Completion Report. A VRAP Certificate of Closure will be obtained.

3.b Description of Tasks/Activities and Outputs

3.b.i Project Implementation, 3.b.ii Anticipated Project Schedule, 3.b.iii Task/Activity Lead, & 3.b.iv Outputs

Task/Activity: Cooperative Agreement Oversight (Task 1)
i. Project Implementation <ul style="list-style-type: none"> • EPA-funded tasks/activities: Program development and organization; develop a BAC that includes PHDC, PHA, MEDEP, EPA, and stakeholders; develop a Request for Proposals and implement a competitive bid process; select a QEP; attend the National Brownfield Conference. Complete quarterly reports and MBE/WBE reporting; maintain/update ACRES. • Non-EPA grant resources needed to carry out task/activity: None

<p>ii. Anticipated Project Schedule: BAC meetings will be held on a quarterly basis. A QEP will be selected within 1-2 months of funding. Quarterly reports, MBE/WBE reports, and ACRES updating will be performed in a timely manner throughout the grant period.</p>
<p>iii. Task/Activity Lead(s): PHDC will oversee this task, with assistance from the BAC on QEP selection. The QEP will complete quarterly reports and ACRES updates.</p>
<p>iv. Outputs: The creation of a BAC; preparation of an RFP and selection of a QEP; quarterly BAC meetings (up to 16, based on the project duration); quarterly reports (up to 16, based on the project duration); Davis-Bacon reporting and ACRES updating as necessary.</p>
<p>Task/Activity: Community Outreach & Engagement (Task 2)</p>
<p>i. Project Implementation</p> <ul style="list-style-type: none"> EPA-funded tasks/activities: Preparation of a MEDEP/EPA-approved CEP; development of information repository; preparation of marketing materials (flyers/brochures/etc.); notification of community members, abutters, and community organizations of project progress; advertising for public meetings; holding at least two public meetings to solicit input, educate, and update the community (with translators as needed); project status updates; receiving and replying to public input/comments. A 30- day public comment period to solicit input on the draft ABCA, and after, the ABCA will be finalized. Non-EPA grant resources needed to carry out task/activity: Project updates and informational materials will be published on CO’s websites and social media.
<p>ii. Anticipated Project Schedule: Outreach will be performed throughout the grant period. The first public meeting will occur while draft cleanup plans and specifications are prepared (to advertise and solicit input on the draft ABCA), the second meeting will be held as cleanup nears completion, and a third public meeting will be held at a time to be determined.</p>
<p>iii. Task/Activity Lead(s): PHDC and QEP, with assistance from BAC. QEP will prepare CEP.</p>
<p>iv. Outputs: A CEP, outreach and educational materials, public meeting ads, press releases and project updates, educational materials to support a public meeting (PowerPoint presentations and handouts). A final ABCA. Two public meetings.</p>
<p>Task/Activity: Site-Specific Activities (Task 3)</p>
<p>i. Project Implementation</p> <ul style="list-style-type: none"> EPA-funded tasks/activities: The QEP will prepare cleanup plans and specifications for review and approval by the EPA/MEDEP; conduct a pre-bid site visit; and prepare a SSQAPP for confirmatory sampling. PHDC/QEP will review contractor bids and select a contractor. The QEP will obtain necessary construction permits and will coordinate with the local health agency on health monitoring activities during cleanup, as necessary. PHDC and the QEP will be in communication with MEDEP and EPA team members throughout this phase of work. The selected cleanup contractor will perform remediation of impacted soils. Non-EPA grant resources needed to carry out task/activity: None
<p>ii. Anticipated Project Schedule: The QEP will prepare project documents and cleanup design within 3-6 months of selection (winter 2024/spring 2025). A SSQAPP will be prepared and permits will be obtained at that time. We plan to start cleanup activities in the summer/fall of 2025 and will complete this work within the grant period.</p>
<p>iii. Task/Activity Lead(s): The QEP will oversee this task, with assistance from PHDC.</p>
<p>iv. Outputs: Cleanup plans and specifications, bidding documentation, SSQAPP, construction permits, Site cleanup in accordance with the ABCA and MEDEP-approved design plans.</p>
<p>Task/Activity: Oversee Site Cleanup (Task 4)</p>
<p>i. Project Implementation</p> <ul style="list-style-type: none"> EPA-funded tasks/activities: QEP will monitor and oversee construction; perform project reporting; review and approve pay reqs and Davis-Bacon documentation; perform a final site walk-through; and collect confirmatory samples. Health monitoring and air sampling will be conducted as needed. QEP will submit the Site to the MEDEP VRAP, prepare a MEDEP VRAP closure report, obtain a VRAP Certificate of Closure, grant closeout documentation, and institutional controls (Environmental Media Management Plan and Cover System Maintenance Plan). PHDC will assist with oversight and will be in communication with MEDEP and EPA team members throughout this phase of work. Non-EPA grant resources needed to carry out task/activity: None

ii. Anticipated Project Schedule: Cleanup activities in summer/fall 2025, closure reports and documentation in spring 2026.
iii. Task/Activity Lead(s): The QEP will oversee this task, with assistance from PHDC.
iv. Outputs: Confirmatory soil sampling, MEDEP VRAP Closure Report, EMMP and Cover System Maintenance Plan, VRAP Certificate of Closure, Grant Closeout documentation

3.c Cost Estimates

A breakdown of cost by task, along with a summary task table, is provided below.

Budget Categories		Project Tasks (\$)				
		CA Oversight	Community Outreach	Site Specific	Oversee Cleanup	Total
Direct Costs	Personnel	\$6,500	\$9,500	\$8,100	\$7,500	\$31,600
	Fringe Benefits	\$0	\$0	\$0	\$0	\$0
	Travel	\$4,800	\$0	\$0	\$0	\$4,800
	Equipment	\$0	\$0	\$0	\$0	\$0
	Supplies	\$0	\$0	\$0	\$0	\$0
	Contractual	\$8,900	\$9,500	\$895,700	\$49,500	\$963,600
	Other	\$0	\$0	\$0	\$0	\$0
Total Direct Costs		\$20,200	\$19,000	\$903,800	\$57,000	\$1,000,000
Indirect Costs		\$0	\$0	\$0	\$0	\$0
Total Budget		\$20,200	\$19,000	\$903,800	\$57,000	\$1,000,000

Task 1 - Cooperative Agreement Oversight: Includes \$6,500 for PHDC’s program development/ organization, and meetings with BAC/ stakeholders (100 hours @ \$50/hour = \$5,000) and contracting/interviewing/selecting a QEP (30 hours @ \$50/hour = \$1,500); and \$4,800 for two people to attend the National Brownfields Conference (assume airfare is \$600/each, two hotel rooms for four nights @ \$300/night is \$2,400, registration is \$400, and misc. transportation/food/drink is \$800. Contractual/QEP time is estimated at \$8,900 and includes quarterly reports and updating the ACRES database (\$300 per quarter = \$4,800), meetings with the BAC, project stakeholders, and regulators (assume 6 meetings @ \$600 each = \$3,600) and general assistance (\$500). Total Task 1 = \$20,200

Task 2 - Community Outreach and Engagement: Includes \$9,500 for PHDC personnel to facilitate to attend public outreach meeting (64 hours @ \$50/hour = \$3,200), review outreach materials, develop and maintain an information repository and website, develop press releases, attend meetings with community organizations and site owners, and interact with the affected public and residents (126 hours @ \$50/hour = \$6,300). Includes \$9,500 in contractual/QEP time to develop a Community Engagement Plan and lead outreach meetings (\$8,000) and develop outreach materials and press releases (\$1,500). Total Task 2 = \$19,000.

Task 3 - Site Specific Activities: PHDC will review QEP documents and work plans, assist in the bidding process and procurement of the cleanup contractor, and communicate with MEDEP and EPA (162 hours at \$50/hour = \$8,100). Total contractual costs are anticipated to be \$895,700; this includes \$33,000 in QEP costs (SSQAPP \$4,500, ABCA/RAP \$5,000, Cleanup Plans and Specifications \$15,000, bidding phase services \$8,500) and cleanup contractor costs of \$862,700 (4,900 SF of building foundation \$294,000, sub-slab utilities and vapor mitigation system \$35,000, 4,500 SF of asphalt cover systems \$92,100, 8,600 SF of landscape cover systems \$86,000, clean corridors \$225,000, and excavation/earthwork \$130,600). Total Task 3 = \$903,800.

Task 4 - Oversee Site Cleanup: Includes PHDC’s time for oversight and coordination with residents during cleanup (150 hours at \$50/hour = \$7,500). QEP costs are anticipated to be \$49,500; this includes overseeing cleanup activities (\$20,000), collection/analysis of waste characterization samples (\$11,000), preparing a VRAP closure report and coordination with MEDEP/EPA (\$11,500), and grant closeout documentation (\$7,000). Total Task 4 = \$57,000.

3.d Plan to Measure and Evaluate Environmental Progress and Results

PHDC will track and evaluate progress through high quality, detailed quarterly reports outlining the project’s progress in achieving project outputs, results, and outcomes; and through frequent updating of the ACRES database (tasks complete, money spent, and progress). We will be in regular communication with the QEP, MEDEP and EPA through BAC Meetings, construction meetings, and weekly telephone calls with the QEP to ensure the project stays on schedule, on budget, and there are

no impediments in achieving the project outputs in a timely manner. We will track outcomes that include the acres of brownfield sites cleaned up; types of contaminants remediated; reduction of environmental risks; number of jobs created; number of housing units created, quantity of greenspace; amount of leveraged cleanup funds; leveraged site redevelopment funds; and other leveraged or economic outcomes. The outputs and outcomes will be reviewed and revised regularly in conjunction with the EPA and MEDEP to ensure the project is successful.

4. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE

4.a Programmatic Capability

4.a.i Organizational Structure and 4.a.ii Description of Key Staff

PHDC's Director of Real Estate Development, Jay Waterman, will oversee and manage the Brownfields program with assistance from Development Officer, Sarah Tatarczuk. Over the past four years PHDC has administered over \$10 million in state and federal grants for housing development projects, including \$800,000 in EPA and RLF Brownfield funds associated with the Front Street Residential Redevelopment Phase I Cleanup, and \$600,000 in EPA and RLF Brownfield funds associated with the Front Street Residential Redevelopment Phase II Cleanup. Mr. Waterman currently manages all development grants for PHDC including Brownfield funds, Federal HOME Investment Partnerships Program funds, CDBG funds, low-income housing tax credit equity, and private foundation grants. PHDC has built solid relationships with state and federal grant agencies for over forty years. On a daily basis, Mr. Waterman and Ms. Tatarczuk are engaged in the community, and on a regular basis will be in contact with the area City councilors, abutting property owners, regulatory staff, and our design and construction team for this brownfield cleanup and affordable housing project. In coordination with the BAC, PHDC and our QEP will liaison with the MEDEP to design, coordinate, and oversee this important cleanup program.

4.a.iii Acquiring Additional Resources

PHDC has a Procurement Coordinator who routinely creates requests for proposals and conducts competitive procurements to obtain resources for projects. Examples include the FY2019 EPA Brownfields Cleanup for the Front Street Site, and competitive procurement for building and grounds maintenance contracts for our thousands of housing units throughout Portland. PHDC will perform a competitive procurement process in accordance with 40 CFR 30 to solicit responses from QEP firms; cleanup contractors will also be selected via a competitive bid process. All procurements will be publicly bid and advertised via the newspaper, PHDC's website, and in compliance with HUD procurement guidelines. When necessary, we will also seek the advice and support of the EPA and MEDEP Brownfields Coordinators for direction on programmatic requirements.

4.b Past Performance and Accomplishments

4.b.i Currently Has or Previously Received an EPA Brownfields Grant

(1) Accomplishments

PHDC and PHA received a \$500,000 FY2019 U.S. EPA Brownfields Cleanup Grant for cleanup activities at the adjacent Front Street Residential Redevelopment Project which included asbestos abatement, soil management, construction of soil cover systems, and programmatic tasks. On this project (Front Street Phase I and Phase II), PHDC/PHA have also received Brownfield RLF Grants and Loans from the Maine DECD, City of Portland, and Greater Portland Council of Governments (GPCOG). PHDC successfully completed programmatic requirements, contracted a QEP, completed grant-required reporting (CRP, ABCA, SSQAPP, etc.), performed community outreach, and oversaw engineering bidding documents. All phases of work were completed, and all funds were fully expended within the grant period. At this time, the grant is closed out. Project outputs and grant completion documentation has been entered into ACRES.

(2) Compliance with Grant Requirements

Throughout the FY2019 Brownfield Cleanup grant, PHDC/PHA submitted quarterly reports, grant deliverables, and ACRES updates on time and in accordance with submittal requirements. All annual financial statements were properly submitted. No submittal or tracking issues were identified for this cooperative agreement, and the cleanup program was successfully completed in accordance with our approved work plan, schedule and terms and conditions with no corrective actions.

NARRATIVE ATTACHMENT

Threshold Criteria Response

**Portland Housing Development Corporation
Former Kiley Parcel, 33 West Presumpscot Street, Portland, Maine
U.S. EPA FY2024 Brownfields Cleanup Grant Application**

III.B. Threshold Criteria for Cleanup Grants

1. Applicant Eligibility

- a) The Portland Housing Development Corporation (PHDC) was created in 1983 as the real estate development arm of the Portland Housing Authority. PHDC is a nonprofit social welfare organization under 501(c)(4); documentation has been attached (Attachment A).
- b) The PHDC does not lobby the Federal government; a legal opinion to that fact has been attached (Attachment B).

2. Previously Awarded Cleanup Grants

PHDC affirms that the Former Kiley Parcel (the “Site”) has not previously received funding from a U.S. EPA Cleanup Grant.

3. Expenditure of Existing Multipurpose Grant Funds

PHDC does not have an open/existing EPA Brownfields Multipurpose Grant.

4. Site Ownership

PHDC affirms that it is the sole owner of the site under fee simple title.

5. Basic Site Information

- a) Site Name: Former Kiley Parcel
- b) Site Address: 33 West Presumpscot Street, Portland, Maine 04103

6. Status and History of Contamination at the Site

- a) **Is the Site contaminated by hazardous substances or petroleum?**

Hazardous Substances

- b) **Operational history and current use(s) of the Site?**

The Site is a residential property and was formerly improved with two buildings: a duplex residential dwelling and shed. The duplex was used for residential purposes from its construction in 1922 until it was demolished in 2021. The shed was reportedly constructed in the 1990s and was also demolished in 2021. Prior to 2021, the remaining portions of the Site consisted of a gravel parking area/driveway, and grass lawns. Currently the Site consists of an unimproved lot that has been used as construction staging for Front Street Apartment project occurring on the adjacent lots.

Based on information provided by the National Park Service (NPS) and Maine Memory Network, the Site was historically part of a tidal wetland/water body known as Hansom’s Creek. Portions of the Site and vicinity are constructed on filled land of Hansom’s Creek and land filling activities reportedly occurred at various dates from the 1830s to 1960s.

c) **Environmental concerns?**

A 2018 Phase I Environmental Site Assessment (ESA) conducted at the Site identified a Recognized Environmental Condition (REC) associated with the potential of the Site to contain urban fill materials and associated contaminants of concern as a result of historic filling activities associated with Hansom’s Creek and the Back Cove area. Results of a subsequent Phase II ESA included the following: subsurface soils (0 to 2 feet bgs) were found to contain benzo(a)pyrene at concentrations which exceeded the Maine Department of Environmental Protection (MEDEP) Remedial Action Guidelines (RAGs) for the “Residential” and “Construction Worker” exposure scenarios; lead was detected at concentrations which exceeded the “Residential,” “Commercial Worker,” and “Construction Worker” exposure scenarios; and arsenic was found to exceed the MEDEP RAG for the “Residential” exposure scenario but was below the applicable MEDEP background concentrations.

d) **How did the Site become contaminated and what is the current understanding of the nature and extent of the contamination?**

The Site was historically part of a tidal wetland/water body known as Hansom’s Creek. As part of urban renewal projects at various dates from the 1830s to 1960s, the Site and surrounding areas were backfilled with urban fill. As was typical at that time, brickyards and quarries provided fill material, and urban fill was a commonly-used affordable media for filling large areas of land. Urban fills have the potential to contain glass, plastic, rubber, coal ash, and demolition debris, and in the Site area, have been documented at depths ranging to 14 feet below grade. Based on the results of the Phase II ESA, the entirety of the Site is presumed to be constructed with “urban fill-type” soils.

7. Brownfields Site Definition

The Site meets the definition of a Brownfield under CERCLA 101 (39) and is eligible for Brownfield Grant funding. PHDC affirms that the Site is:

- (a) Not listed or proposed for listing on the National Priorities List;
- (b) Not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and
- (c) Not subject to the jurisdiction, custody, or control of the United States government.

8. Environmental Assessment Required for Cleanup Grant Proposals

On December 3, 2018, Ransom Consulting, LLC (Ransom) completed a Phase I ESA at the Site in accordance with ASTM International Standard Practice E 1527-13 and U.S. EPA All Appropriate Inquiry (AAI), 40 CFR Part 312. Ransom identified a REC at the Site associated with the potential of the Site to contain urban fill materials and associated contaminants of concern as a result of historic filling activities associated with Hansom’s Creek and the Back Cove area.

In January of 2023, Ransom completed a Phase II ESA at the Site which included the advancement of

four test pits and collection of soil samples for laboratory analysis of volatile organic compounds (VOCs), extractable petroleum hydrocarbons (EPH) with target polycyclic aromatic hydrocarbon (PAH) and metals analysis. Each test pit was advanced until groundwater was encountered, which ranged from 5 to 7 feet below ground surface (bgs). One surficial soil sample was collected from each of the four test pits. Soil samples collected during advancement of the test pits were screened in the field for the presence of total organic volatile compounds, using a photoionization detector (PID). The analytical results were compared to the MEDEP RAGs for Sites Contaminated with Hazardous Substances,” dated May 1, 2021, for the “Residential”, “Commercial Worker”, and “Construction Worker” exposure scenarios.

Based on the laboratory results, subsurface soils (0 to 2 feet bgs) were found to contain benzo(a)pyrene at concentrations which exceeded the MEDEP RAG for the “Residential” and “Construction Worker” exposure scenarios; lead was detected at concentrations which exceeded the “Residential,” “Commercial Worker,” and “Construction Worker” exposure scenarios; and arsenic was found to exceed the MEDEP RAG for the “Residential” exposure scenario but was below the applicable MEDEP background concentrations. These exceedances are assumed to be associated with urban fill observed onsite.

9. Site Characterization

- (a) NA
- (b) A letter from the MEDEP has been attached (Attachment C) which indicates that: i) the Site is eligible to be enrolled in the State voluntary response program; ii) that the Site is currently enrolled in the State voluntary response program; and iii) that there is sufficient level of site characterization from the environmental site investigations for the remediation work to begin.
- (c) NA

10. Enforcement or Other Actions

There are no ongoing or anticipated environmental enforcement actions, other actions, orders, or local, state, or federal inquiries for the Site. Furthermore, the applicant is not aware of any current records of judgments, liens, or other enforcement actions regarding this site.

11. Sites Requiring a Property-Specific Determination

A property-specific eligibility determination is not required for this site.

12. Threshold Criteria Related to CERCLA/Petroleum Liability

The site is contaminated with hazardous substances, as such, PHDC is responding to all items under a.

- a. Property Ownership Eligibility – Hazardous Substance Sites
 - i. EXEMPTIONS TO CERCLA LIABILITY – N/A
 - ii. EXCEPTIONS TO MEETING THE REQUIREMENTS FOR ASSERTING AN AFFIRMATIVE DEFENSE TO CERCLA LIABILITY – N/A

iii. LANDOWNER PROTECTIONS FROM CERCLA LIABILITY

(1) Bona Fide Prospective Purchaser Liability Protection

(a) Information on Property Acquisition

- i. Purchased from a private individual.
- ii. Purchased on March 29, 2019.
- iii. Nature of ownership: Fee Simple Title
- iv. Previous owner: Sharon G. Kiley
- v. PHDC affirms that there are no familial, contractual, corporate, or financial relationships or affiliations between PHDC and the prior Site owner.

(b) Pre-Purchase Inquiry

- i. On December 3, 2018, an ASTM E1527-13 compliant Phase I ESA was completed by Ransom Consulting, LLC.
- ii. Ransom Consulting, LLC performed the Phase I ESA. Ransom is a qualified consulting firm with over 30 years of experience in the State of Maine performing assessment and environmental consulting work.
- iii. The Phase I ESA was performed within 180 days prior to PHDC's acquisition of the property.

(c) Timing and/or Contribution Towards Hazardous Substance Disposal. PHDC affirms that the disposal of hazardous substances at the Site occurred prior to our acquisition of the property; that PHDC has not caused or contributed to any release of hazardous substances at the Site; that PHDC has not arranged for the disposal of hazardous substances at the Site; and that PHDC has not transported hazardous substances to the Site.

(d) Post-Acquisition Uses. The site has remained vacant since PHDC acquired the property and has been used for a parking/equipment laydown area.

(e) Continued Obligations.

- i. There have been no continuing releases to our knowledge;
- ii. Access to the site is restricted, and police patrol the perimeter on a regular basis to discourage trespassing;
- iii. The Site has (and will) remain vacant until the known contamination is remediated.

PHDC confirms our commitment to:

- i. Comply with any land use restrictions and not impede the effectiveness or integrity of any institutional controls;
- ii. Assist and cooperate with those performing the cleanup and provide access to the property;

- iii. Comply with all information requests and administrative subpoenas that have or may be issued in connection with the property; and
- iv. Provide all legally required notices.

13. Cleanup Authority and Oversight Structure

- a. Cleanup Oversight Plan: PHDC will endeavor to ensure that the cleanup of hazardous substances at the site will comply with applicable local, state, and federal laws and regulations, and that the cleanup actions will be protective of human health and the environment. PHDC will competitively bid and retain a qualified environmental professional (QEP) in accordance with the competitive procurement provisions of 40 CFR Part 31.36 (for eligible government entities). The QEP will work with PHA to design, prepare specifications and bidding documents, and oversee and document remediation activities at the site, as well as to assist with the interface between the MEDEP, and EPA. The QEP will also assist with the competitive bid process for selecting an environmental contractor to perform the proposed cleanup actions. PHDC will contract with the selected QEP prior to initiating cleanup activities. The Site will also be entered into the MEDEP Voluntary Remedial Action Program (VRAP). Under the VRAP, the MEDEP provides technical review and comment on all plans, reports, and activities pertaining to cleanup of a Site.
- b. Access Plan for Adjacent or Neighboring Properties: The properties which abut the Site are primarily residential and are viewed as project stakeholders and cooperative partners in the proposed cleanup actions at the Site. PHDC will be in frequent communication with these property owners at all times prior to, and during cleanup activities. At this time, the proposed cleanup activities are limited to the Site and are not anticipated to extend to adjacent properties; however, the City of Portland and the MEDEP have the regulatory authority to access adjacent properties for emergency situations.

14. Community Notification

PHDC has fulfilled the community notification requirements for the site.

- a. Draft Analysis of Brownfields Cleanup Alternatives: A copy of the Analysis of Brownfields Cleanup Alternatives - Preliminary Evaluation (which includes a description of the Site, contamination, and cleanup standards/laws; a description of cleanup alternatives evaluated and the evaluation criteria; and a description of the proposed cleanup) was prepared and was available for public review at the Public Meeting (held on November 1, 2023), and on the PHDC website/upon request. The public comment period ran from October 25, 2023 until Wednesday, November 8, 2023 at 5:00 p.m. No written comments were received from the public.
- b. Community Notification Ad: PHDC published a community notification ad in the Portland Press Herald on October 25, 2023, and on the PHDC website. This advertisement stated that a copy of the draft ABCA and draft grant proposal were available for public review and comment; provided instructions for commenting on these draft documents; identified the

location where the draft documents were located for review; and presented the date and time of the public meeting.

- c. Public Meeting: PHDC held a public meeting at 5:00 p.m. on Wednesday, November 1, 2023 using video conferencing. The purpose of the meeting was to discuss the draft grant proposal, draft ABCA, and consider public comments prior to submittal of this grant proposal.

- d. Submission of Community Notification Documents: The following items are attached (Attachment D):
 - 1) A copy of the draft ABCA-Preliminary Evaluation;
 - 2) A copy of the newspaper advertisement demonstrating notification to the public and solicitation for comments on the proposal;
 - 3) A summary of the questions/comments received, responses to the questions/comments, and applicable meeting notes from the public meeting (no public comments were received during the public comment period); and
 - 4) A copy of the public meeting sign-in sheet.

15. Contractors and Named Subrecipients

PHDC chooses not to name procurement contractors, consultants, or subrecipients as part of this application. We will select contractors in compliance with the fair and open competition requirements in 2 CFR Part 200 and 2 CFR Part 1500, and the EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements. We do not anticipate subrecipients as part of this grant.