



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND
5 POST OFFICE SQUARE – SUITE 100
BOSTON, MASSACHUSETTS 02109-3912**

DATE: July 28, 2020

SUBJ: Site Investigation Closure Memorandum
Cass Toy Company (Former) Site,
62 Canal Street
Athol, MA 01331

FROM: Catherine Young, On-Scene Coordinator
Emergency Response and Removal Section II, EPRB, SEMD

THRU: William Lovely, Chief
Emergency Response and Removal Section II, EPRB, SEMD

TO: Cass Toy Company (Former) Site File

In accordance with section 300.410 of the National Contingency Plan (NCP), a Removal Site Evaluation, consisting of a Preliminary Assessment, and Site Investigation, has been undertaken at the Cass Toy Company (Former) Site ("Site") in Athol, MA. The findings of the Removal Site Evaluation have been evaluated under the criteria set forth in section 300.415 of the NCP, section 104(a) and (b) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9604(a) and (b) and Clean Water Act (CWA) 311(c)(i) as amended by the Oil Pollution Act (OPA) 4201(a). The Removal Site Evaluation has led to the determination that a Removal Action is appropriate at this time.

The findings of the Removal Site Evaluation are outlined below.

1. Source and nature of the release or threat of release:
 - a. The Removal Site Evaluation consisted of the following actions.
 - i. Review of the analytical reports from the Site Investigation conducted on March 6, 2020 at Cass Toy Company (Former) Site, identified as lot 105, in Athol, Worcester County, Massachusetts. The EPA Superfund Technical Assessment and Response Team (START), Weston Solutions, Inc., conducted the sampling activities on March 6, 2020. Samples were

analyzed at the EPA New England Regional Laboratory (NERL) located in Chelmsford, MA.

ii. Review of the analytical reports from the Site Investigation conducted on June 30, 2020 on property adjacent to the Site, lot 114, in Athol, Worcester County, Massachusetts. EPA START, Weston Solutions, Inc., conducted the sampling activities on June 30, 2020. Samples were analyzed at the EPA New England Regional Laboratory (NERL) located in Chelmsford, MA.

iii. Review of the DRAFT Phase I Environmental Site Assessment at 62 Canal Street Athol, Massachusetts prepared for Planning and Development Montachusett Regional Planning Commission 464 Abbott Avenue Leominster, Massachusetts 01453

Based on the information available at this time, asbestos is the principal hazardous substances or pollutants or contaminants that is being released or for which there is threat of release. During the Removal Site Evaluation, it was determined that the source of the release is the fire debris from the original structure that was on the property that burned down in a fire in January 2012.

2. Evaluation of the threat to public health, welfare and the environment

a. Federal Agency for Toxic Substances and Disease Registry:

Threat _____ No Threat _____ Evaluation Not Necessary X

b. Endangerment to the ecosystem:

Threat _____ No Threat _____ Evaluation Not Necessary X

3. The Removal Site Evaluation was terminated pursuant to section 300.410(f) of the NCP for the following reason(s).

- () There is no release.
- () The source is neither a "vessel" nor a "facility" as defined in section 300.5 of the NCP.
- () The release involves neither a hazardous substance, nor a pollutant or contaminant that may present an imminent and substantial danger to public health or welfare of the United States.

- It is subject to the limitations on response specified in 300.400(b)(1) through (3). The release is
 - of a naturally occurring substance in its unaltered form, or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found.
 - from products that are part of the structure of, and result in exposure within, residential buildings or businesses or community structures.
 - into public or private drinking water supplies due to deterioration of the system through ordinary use.
 - The amount, quantity, or concentration released does not warrant a Federal response.
 - A party responsible for the release, or any other person, is providing appropriate response, and on-scene monitoring by EPA is not required.
 - The Removal Site Evaluation is complete.
4. As reflected in Section 3, above, the Removal Site Evaluation was terminated due to its completion, and not for other reasons.
- a. The factors listed below, found in Section 300.415(b)(2) of the NCP, are applicable to this Site.
 - Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.
 - Actual or potential contamination of drinking water supplies or sensitive ecosystems.
 - Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release.
 - High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate.
 - Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.
 - Threat of fire or explosion.

- (X) The availability of other appropriate Federal or State response mechanisms to respond to the release.
 - () Other situations or factors that may pose threats to public health or welfare of the United States or the environment.
- b. The existence of the conditions specified in Section 4.a., above, indicate that a Removal Action under section 300.415 of the NCP **is** necessary.

On March 6, 2020, EPA and EPA's START contractor, conducted bulk asbestos sampling activities at the Site to determine if further actions, including removal activities, are warranted at the Site. A total of 10 suspected Friable Asbestos/ACM samples were analyzed on site by USEPA LSAD. Chrysotile asbestos was detected in four of the ten samples at concentrations exceeding laboratory reporting limits, with a maximum concentration of 12%.

On March 18, 2020, a site review meeting was held to discuss the findings. The attendees included: Carol Tucker, Acting Deputy Director of the Superfund and Emergency Management Division (SEMD); William Lovely, Chief of the Emergency Planning and Response Branch (EPRB); Ted Bazenas, Chief of the Emergency Response and Removal Section I; Cindy Lewis, Senior Enforcement Counsel; Zanetta Hume, Community Involvement Coordinator; Chris Lombard, Brownfields Project Officer; and Daniel Burgo, Federal On Scene Coordinator (OSC).

The OSC recommended that a time-critical removal action (TCRA) be undertaken at this Site because the concentration of asbestos at the site pose an actual or potential threat of release to the environment and exposure to nearby human populations, animals, or the food chain. EPRB and SEMD management supported the OSC's recommendation and approved moving forward in completing the Action Memorandum to request a TCRA for the Site.

On June 30, 2020 EPA and EPAs START contractor collected 9 surface soil samples from property adjacent to the Site, identified as lot 114, to determine potential impacts of contamination from the Site. The soil samples were analyzed at the EPA New England Regional Laboratory in Chelmsford, MA for asbestos with results indicating none detectable.

- c. In light of the magnitude of the threat or potential threat to health, welfare, or the environment, the appropriate categorization of a Removal Action at this Site is:

Emergency____ Time-Critical_X_ Non Time-Critical_____

5. As reflected in Section 3, above, the Removal Site Evaluation was terminated due to its completion, and not for other reasons.
- a. As found in section 300.410(e) of the NCP, the OSC shall determine whether a release governed by CWA section 311(c) (1), as amended by OPA section 4201(a), has occurred.
- (X) There is a release, or potential threat of release, as governed by the CWA as amended by OPA.
- () There is not a release, or potential threat of release, as governed by the CWA as amended by OPA.
- b. The absence of the conditions specified in Section 5.a., above, indicate that an Oil Spill Response under Appendix E to Part 300 of the NCP **is not** necessary.
- cc: William Lovely, Chief, Emergency Response and Removal Section II;
Meghan Cassidy, Chief, Remedial Policy, Contracts and Site Assessment Section,
SEMD
Patti Ludwig, EPRB, SEMD
David Slowick, Chief of MassDEP Bureau of Waste Site Cleanup