



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

MEMORANDUM

DATE: January 19, 2023

SUBJ: Request for a Ceiling Increase for the Removal Action at the J.B. Paper Company Site, Pittsfield, Berkshire County, Massachusetts - **ACTION MEMORANDUM AMENDMENT**

FROM: Allyson Bowden, On-Scene Coordinator
Emergency Response and Removal Section II

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

Carol Tucker, Chief
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TO: Bryan Olson, Director
Superfund and Emergency Management Division

I. PURPOSE

The purpose of this Action Memorandum Amendment is to request and document approval for the ceiling increase of \$350,000 to complete activities at the J.B. Paper Company Site (the Site), which is located at 70 Elmvalle Place in Pittsfield, Berkshire County, Massachusetts. The additional funds are necessary to complete transportation and disposal activities, which have increased since the original Action Memorandum was approved on August 3, 2022 due to an unexpected rise in the volume of the debris pile and costs associated with its disposal. Hazardous substances present in the debris pile, if not addressed by implementing the response actions selected in the original Action Memorandum, will continue to pose a threat to human health and the environment. There has been no use of the On-Scene Coordinator's (OSC's) \$200,000 warrant authority.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID#: MAN000153497
SITE ID#: 01RH
CATEGORY: Time-Critical

A. Site Description

1. Removal site evaluation

Please refer to the original Action Memorandum approved on August 3, 2022.

2. Physical location

Please refer to the original Action Memorandum approved on August 3, 2022.

3. Site characteristics

Please refer to the original Action Memorandum approved on August 3, 2022.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

Please refer to the original Action Memorandum approved on August 3, 2022.

5. NPL status

The Site is not on the National Priorities List and has not received a Hazardous Ranking System rating.

6. Maps pictures, and other graphic representations

Please refer to the original Action Memorandum approved on August 3, 2022.

B. Other Actions to Date

1. Previous actions

Please refer to the original Action Memorandum approved on August 3, 2022.

2. Current actions

The following is a summary of EPA removal activities:

- EPA commenced site setup activities on November 1, 2022.
- Began segregating debris on November 2, 2022 to prepare for transportation and disposal activities; effort on-going.
- The stack was demolished on November 3, 2022.
- Transportation and disposal activities are expected to start at the end of February 2023.

C. State and Local Authorities' Roles

1. State and local actions to date

Please refer to the original Action Memorandum signed August 3, 2022.

2. Potential for continued State/local response

Please refer to the original Action Memorandum signed August 3, 2022.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

As described below, the conditions at the Site meet the general criteria for a removal action, as set forth in 40 C.F.R. §300.415(b)(1), in that “there is a threat to public health or welfare of the United States or the environment,” and in consideration of the factors set forth in 40 C.F.R. §300.415(b)(2) as described below.

Lead and arsenic at the Site continue to present a threat to the public and the environment. Please refer to the original Action Memorandum signed August 3, 2022 for additional information.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances or pollutants or contaminants from this Site, may present an imminent and substantial endangerment to public health, welfare, or the environment. In accordance with OSWER Directive 9360.0-34 (August 19, 1993), an endangerment determination is made based on “appropriate Superfund policy or guidance, or on collaboration with a trained risk assessor,” which is outlined and discussed in Section III above. “Appropriate sources include, but are not limited to, relevant action level or clean-up standards, Agency for Toxic Substances and Disease Registry documents or personnel, or staff toxicologists.” Appropriate sources referenced for determination of risk at this Site include the EPA Removal Management Levels.

During the 2022 Preliminary Assessment and Site Investigation, EPA confirmed the presence of lead and arsenic within the debris pile on-site. These contaminants, when present in concentrations exceeding established health-based risk levels, may have adverse impacts on human health. Please refer to the original Action Memorandum signed August 3, 2022 for additional information.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The proposed actions for the Site will continue as outlined in the original Action Memorandum signed on August 3, 2022.

A. Proposed Actions

1. Proposed Action Description

To address the threat to public health and the environment at the Site, the actions, as outlined in the original Action Memorandum, will continue or begin under this proposed Action Memorandum Amendment. The activities include:

- Conducting a site walk to determine the necessary removal action resources;

- Developing and implementing a site-specific safety plan;
- Mobilizing necessary resources (equipment and personnel) required to support activities described in this section, including securing work trailer(s), sanitary facilities, sub-surface utility search, and connecting utilities;
- Conducting additional sampling and site characterization to further delineate extent of contamination and/or assist in supporting response and disposal actions;
- Performing public communication and outreach activities;
- Providing security or security guard service, as needed;
- Inventorying and documenting existing property conditions prior to commencing excavation activities;
- Clearing vegetation or debris as needed to provide proper clearance and space for removal activities;
- Removing the stack on-site and disposing of contaminated portions as necessary;
- Removing any debris contaminated with lead and arsenic at concentrations of concern;
- Removing any ACM and ACM contaminated debris from the Site;
- Performing debris sampling during excavation to determine extent of contamination as necessary;
- Segregating contaminated debris from non-contaminated debris as appropriate;
- Excavating any surficial soil contaminated with lead and arsenic at concentrations of concern, as necessary;
- Conducting dust-control and air monitoring activities, as necessary, to prevent off-site migration of dust during removal activities;
- Performing surficial soil confirmation sampling and analysis in areas where debris was removed, as necessary;
- Providing for a temporary staging area for debris and soil while awaiting disposal;
- Removing all hazardous substances and disposing at an appropriately licensed off-site facility, in conjunction with EPA off-site rule, and
- Repairing or replacing response related damages, excluding reconstructing stack or other structures.

2. Community relations

EPA will continue to coordinate with the City of Pittsfield and MassDEP. The OSC will work with the EPA Community Involvement Coordinator to prepare outreach materials as necessary to inform residents of EPA activities as they progress.

3. Contribution to remedial performance

The cleanup proposed in the original Action Memorandum and in this Action Memorandum Amendment is designed to mitigate the threats to human health and the environment posed by releases or threat of releases of hazardous substances from the Site. The actions taken at the Site would be consistent with and will not impede any future responses.

4. Description of innovative technologies and sustainable approaches

In accordance with the December 23, 2013 Memorandum, updated August 2, 2016, issued by Office of Land and Emergency Management as well as the Region 1 Clean and Greener Policy for Contaminated Sites, greener cleanup practices should be considered for all cleanup

projects. Greener cleanup is the practice of incorporating practices that minimize the environmental impacts of cleanup actions and maximize environmental and human benefit. Alternative technologies and sustainable approaches will be considered and incorporated, as appropriate, throughout the implementation of the removal action.

5. Applicable or relevant and appropriate requirements (ARARs)

Please refer to the original Action Memorandum signed August 3, 2022.

6. Project schedule

EPA anticipates completion of the removal action to be within six months from the start date of November 2022.

B. Estimated Costs

COST CATEGORY	CURRENT CEILING	PROPOSED INCREASE	PROPOSED CEILING
<i>REGIONAL REMOVAL ALLOWANCE COSTS:¹</i>			
ERRS ² Contractor	\$400,000.00	\$350,000.00	\$750,000.00
Interagency Agreement	\$0.00	\$0.00	\$0.00
<i>OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:</i>			
START ³ Contractor	\$150,000.00	\$0.00	\$150,000.00
Extramural Subtotal	\$550,000.00	\$0.00	\$900,000.00
Extramural Contingency (10%)	\$55,000.00	\$0.00	\$55,000.00
TOTAL, REMOVAL ACTION CEILING	\$605,000.00	\$0.00	\$955,000.00

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed action will increase public health risks due to the potential contact threat posed by the asbestos at the Site. The absence of additional funding for the removal action described herein will cause Site conditions to remain unaddressed, and the presence of hazardous substances will continue to pose a threat to human health and the environment.

¹This cost will be driven by the selected option(s). Should longer term options need to be implemented, additional funding may be required.

²Emergency Rapid Response Services

³ Superfund Technical Assistance and Response Team

VII. OUTSTANDING POLICY ISSUES

This Removal Action is considered nationally significant or precedent-setting because lead is the principal contaminant of concern.

VIII. ENFORCEMENT ... For Internal Distribution Only

See attached Confidential Enforcement Strategy.

The total EPA costs for this removal action that will be eligible for cost recovery are estimated to be \$955,000 (extramural costs) + \$1,055,000 (EPA intramural costs) = \$1,055,000 X 1.4009 (regional indirect rate) = **\$1,477,949.50**⁴.

IX. RECOMMENDATION

Site conditions continue to meet the NCP section 300.415(b) criteria for a removal, due to the following:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [§300.415(b)(2)(i)];

Actual or potential contamination of drinking water supplies or sensitive ecosystems [§300.415(b)(2)(ii)];

High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate [§300.415(b)(2)(iv)];

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released [§300.415(b)(2)(v)]; and

The availability of other appropriate Federal or State response mechanisms to respond to the release [§300.415(b)(2)(vii)].

I recommend your approval of the proposed ceiling increase of \$350,000. The total extramural project ceiling, if approved will be \$955,000.

APPROVAL: _____

DATE: _____

⁴Direct Costs include direct extramural costs \$955,000 and direct intramural costs \$100,000. Indirect costs are calculated by using regional indirect rate in effect at time cost estimate is prepared and is expressed as a percentage of the direct costs, 40.09% (effective February 8, 2022) x \$1,477,949.50, consistent with EPA's full cost accounting methodology. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.