



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

Enforcement- Sensitive Information Attached

MEMORANDUM

DATE: September 17, 2003

SUBJ: Request for Ceiling Increase, \$2 Million and 12-Month Emergency Exemption and Change in Scope of Response for a Continued Removal Action at the Temple-Stuart Superfund Removal Site, Baldwinville, Worcester County, Massachusetts - **Action Memorandum Addendum #2**

FROM: Mary Ellen Stanton, On-Scene Coordinator
Site Evaluation and Response Section *MaryEllenStanton*

THRU: David Mc Intyre, Chief *D M McIntyre*
Site Evaluation and Response Section

THRU: Arthur V. Johnson III, Chief *AV Johnson III*
Emergency Planning and Response Branch

TO: Susan Studlien, Acting Director
Office of Site Remediation and Restoration

I. PURPOSE

The purpose of this Action Memorandum Addendum is to request and document approval of a ceiling increase, \$2 million exemption, 12-month time limit exemption and change in scope of response at the Temple Stuart Superfund Removal Site (the Site), Baldwinville, Massachusetts. The total project ceiling, if approved, will be \$2,280,000. The ceiling increase is required for the change in scope of response, which necessitates characterization of PCB-containing soils recently discovered at the Site, and either removal of contaminants or restriction of access to the public.

For additional information see the original Action Memorandum dated July 12, 2002 and Action Memorandum Addendum #1 (attached).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID# : MAD985297969
SITE ID# : 01AC
CATEGORY : Time-Critical Removal Action

A. SITE DESCRIPTION

1. Physical Location and Site Characteristics

The Site is a 23-acre property with two warehouses and a garage located in a largely residential area of Baldwinville, Massachusetts (Lat 42° 36' 37"N, Long 72° 04' 33.5"W). Baldwinville is one of four villages which comprise the Town of Templeton, whose population is 7000. The public may access the major portion of the Site between Route 202 and local residential areas, although the former landfill area has been fenced by the Massachusetts Department of Environmental Protection ("MA DEP").

For additional information see the original Action Memorandum, and Action Memorandum Addendum #1.

2. Site History

On November 9, 2001, I conducted a Removal Site Evaluation and determined that the Site met the criteria for a time-critical removal action. On July 12, 2002, a removal action was approved. Removal actions commenced on July 22, 2002.

In April 2003, the shipments of contaminated debris from the demolition of the building complex ended, the temporary fencing was removed, and site restoration was completed as described in the original Action Memorandum. During the removal action, EPA and contractor staff conducted surface and depth sampling in the former landfill area to determine what further actions, if any, would be necessary. Although elevated levels of PCBs were detected in surface soils at up to 230 ppm, a health consultation by the Agency for Toxic Substances and Disease Registry ("ATSDR") determined that based on available data the landfill area posed no immediate threat to the public. One factor in this decision was the terrain of the landfill/swamp area, and the difficulty of accumulating lengthy exposure to the landfill area.

Upon receipt of this information, MA DEP determined that under their state hazardous waste program, fencing of the landfill area would be necessary. EPA provided sampling and analysis in support of MA DEP's effort, indicating areas with PCB concentrations below MA DEP standards. Concentrations of less than 2 ppm of PCBs are considered acceptable by MA DEP. On the southern edge of the landfill, as well as the extended area of the Temple Stuart property adjacent to Winchester Street, the levels of PCBs exceeded

MA DEP's acceptable levels, and sometimes were found over MA DEP's established "imminent hazard" concentration of 10 ppm. EPA is conducting a separate investigation of the residential area.

In addition, the now unsecured main site areas were gridded, surface and depth samples were taken in accessible areas which had not already been "capped" with clean soil, and the locations were mapped. The highest surface soil sample results (by on-site screening analysis) indicated PCBs were present at 507 ppm; the highest depth sample results were 228 ppm.

The elevated concentrations of PCBs found, along with the widespread and unexpected nature of the contamination, necessitates further action to characterize and either remove contaminated soils or prevent access to the site by the public.

3. Removal Site Evaluation

Please refer to the previous Action Memorandum and Action Memorandum Addendum #1.

4. Release or Threatened Release into the Environment of a Hazardous Substance or Pollutant or Contaminant

Please refer to the previous Action Memorandum for details of releases and threatened releases of hazardous substances from the Site, including PCBs.

a. State and Local Actions to Date

Please refer to the previous Action Memorandum and Action Memorandum Addendum #1, along with "site history" described above.

b. Potential for Continued State/Local Response

Please refer to the previous Action Memorandum and Action Memorandum Addendum #1.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT

In addition to the threats described in the original Action Memorandum and Action Memorandum Addendum #1, the PCB contaminated soils discovered in unrestricted areas of the Site pose an additional threat to public health due to the potential for further exposure by the public, especially children who walk across the site.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in the original Action Memorandum and the Action Memorandum Addenda, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

A. EMERGENCY EXEMPTION:

1. There is an Immediate Risk to Public Health or Welfare or the Environment:

As described previously, the hazardous substances found at the Site include PCBs. There is an ongoing release of PCBs from the site, and access to elevated levels of contaminants in surface soils is currently unrestricted. According to ATSDR, studies of workers indicated that PCBs were associated with some types of cancer in humans, including cancer of the liver and biliary tract. High levels of exposure can cause skin conditions including acne and rashes, and changes in blood and urine indicating possible liver damage. EPA has concluded that PCBs are probably carcinogenic to humans. Failure to waive the 12-month time limit for completion of the removal action will allow continuation of the threat of exposure to these hazardous materials by the public and the environment.

2. Continued Response Actions are Immediately Required to Prevent, Limit or Mitigate an Emergency:

Conditions are especially significant due to the circumstances which resulted in the slowdown or cessation of assessment and cleanup activities under the MA DEP hazardous waste program. Financial difficulties which preclude cleanup are claimed by the current site owner as a result of corporate structure issues, including bankruptcies of many affiliated facilities which appear to have been under the same ownership and management. In addition, principals of the company which owns the site have been indicted in federal court on accounting fraud charges. Continued response actions, including characterizing the extent of contamination by PCBs and other hazardous materials, and soil cleanup or access restriction will mitigate the threat posed to the public. In order to complete these actions, a waiver of the 12-month time limit is required.

3. Assistance Will Not Otherwise be Provided on a Timely Basis:

Due to the severity of the threat at the Temple Stuart Superfund Site and the resources required to abate the threat, the MA DEP has requested that EPA take the lead on any response efforts.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. PROPOSED ACTIONS

1. Proposed Action Description

In addition to actions in the original Action Memorandum, actions proposed include characterization, and excavation and disposal or restriction of access, as necessary, to abate further exposure to PCB releases to the environment. This represents a change in scope of response from that detailed in the original Action Memorandum.

1. Project Schedule

Additional response actions will commence as soon as possible upon the signing of this Action Memorandum Addendum #2. Completion of the proposed removal action is expected within 10 months of the approval of this document.

B. ESTIMATED COSTS

<i>Extramural Costs</i>	<i>Current Ceiling</i>	<i>Costs to Date</i>	<i>Proposed Ceiling</i>
Regional Removal Allowance Costs: ERRS Contractor ¹	\$1,100,000	\$1,038,845	\$1,500,000
Other Extramural Costs Not Funded from the Regional Allowance: START ²	\$ 100,000	\$ 95,000	\$ 400,000
Subtotal, Extramural Costs	\$1,200,000	\$1,133,845	\$1,900,000
Extramural Costs Contingency (20%)	\$ 240,000		\$ 380,000
TOTAL PROJECT CEILING	\$1,440,000	\$1,133,845	\$2,280,000

¹ Emergency Rapid Response Services

² Superfund Technical Assessment and Response Team

VII. EXPECTED CHANGES IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed action will increase both environmental and health risks posed by the release or threat of release of hazardous substances, including PCBs. The risk of release or injury to persons increases daily.

VIII. OUTSTANDING POLICY ISSUES

None.

IX. ENFORCEMENT

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$ 3,107,970³.

Enforcement Strategy: For Internal Distribution Only, see attached.

X. RECOMMENDATION

Site conditions continue meet criteria for a CERCLA section 104 (c) emergency exemption. I recommend your approval of exemptions from the 12-month limit and \$2 million limitation. To allow a continued removal response, I recommend a ceiling increase of \$840,000, of which \$700,000 will be used for extramural contractor expenditures. The total project ceiling, if approved, will be \$2,280,000. Of this, an estimated \$1,880,000 would come from the Regional removal allowance.

APPROVAL: Susan Studier DATE: 9/19/03

DISAPPROVAL: _____ DATE: _____

³ Direct Costs include direct extramural costs [\$2,280,000] and direct intramural costs [\$150,000]. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs [27.9% x \$2,430,000], consistent with the full accounting methodology effective October 2, 2000. These estimates do not include pre-judgement 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.