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

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: September 20, 2004

SUBJ: Request for a Ceiling Increase of Funds to Continue the Removal Action at the Aerovox Incorporated Site,
New Bedford, Bristol County, Massachusetts
Action Memorandum Addendum #1

FROM: Mia C. Pasquerella, On-Scene Coordinator
Emergency Response and Removal Section II

THRU: Steven R. Novick, Chief
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Emergency Planning & Response Branch

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

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of a Ceiling Increase of Funds to Continue the Removal Action, with an increase of $90,000 for the ongoing removal action at the Aerovox Incorporated Site (the Site), which is located at 740 Belleville Avenue in New Bedford, Bristol County, Massachusetts. The total project ceiling, if approved, will be increased from $420,000 to $510,000.

The hazardous materials remaining at this site, which, if not addressed by implementing the response actions described in the original Action Memorandum and this Action Memorandum Addendum, will continue to pose a threat to human health and the environment. There are no nationally significant or precedent-setting issues associated with this Site.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID# : MAN000103307
SITE ID# : 0120
CATEGORY : Time Critical

A. Site Description

1. Physical location

The Site is located at 740 Belleville Avenue in New Bedford, Massachusetts at 41°40.466' north latitude and 70°55.216' west longitude. The Site is bordered to the north by the Acushnet Rubber Co., to the south by Titleist and Foot Joy Worldwide, to the east by New Bedford Harbor, and to the west by Belleville Avenue.

2. Site characteristics

From 1978 to 2001, Aerovox manufactured electrical capacitors at the facility. The plant is a three-floor, flat-roof, brick building containing approximately 450,000 square feet. The first floor was generally used for storage, and the second and third floors were used for capacitor manufacturing. All use of PCB-contaminated oil occurred prior to 1978, before Aerovox owned and operated the facility. In 2001, operations relocated to a new facility pursuant to an Administrative Order On Consent (AOC) entered into with EPA in September 1999.

At the Site, EPA and its contractors have completed staging the drums, containing the miscellaneous waste scattered around the property, disposing of approximately half of the existing drums and one roll off container. Additional funding is needed to dispose of the remaining drums, place a pavement cap over the PCB contaminated soil area, restrict access to the property and demobilization.

Attached for reference is the original Action Memorandum signed on April 8, 2004.

3. Site history

The Aerovox, Incorporated facility filed for bankruptcy in June 2001 after entering into an Administrative Order On Consent (AOC) with EPA. As part of the terms of the AOC, Aerovox was required to develop a trust fund to establish funding that would be used to demolish and cap the Site. As a result of the bankruptcy proceedings, EPA reached a settlement with Aerovox. The settlement money was deposited into a special account that may only be used for necessary maintenance and remediation activities conducted at the Site. Currently, the City of New Bedford maintains the electricity at the facility with a portion of the funds from the settlement.

For additional information, see the original Action Memorandum dated April 8, 2004.

4. Removal site evaluation

Please refer to the original Action Memorandum dated April 8, 2004.

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

Please refer to the original Action Memorandum dated April 8, 2004.

6. NPL status

The Site is not currently on the National Priorities List.

B. Other Actions to Date

1. Previous actions

The removal action began on April 21, 2004, when EPA and its contractors, namely the Emergency Rapid Response Services (ERRS) contractor and the Superfund Technical Assessment and Response Team (START), mobilized to the Site and performed a site walk of the facility. The On Scene Coordinator (OSC) and two START members formed a Level B Entry Team to further characterize the highly contaminated impregnation room on the second floor of the building. This room contains vats used for dipping and heating the capacitors. The Entry Team checked all vats and tanks for residual waste. No material was found to still exist.

EPA and its contractors reported to the site on Monday, May 3, 2004. ERRS began site work by organizing the office area, setting up a decontamination zone and staging their personal protective equipment (PPE) for use in the hot zone.

All drums and containers were collected throughout the building and staged on the first floor of the facility. The drums and containers were then separated and sampled for waste characterization. The tanks in the basement of the facility were investigated with a thermal imaging unit. Most tanks were empty with some needing further investigation. The tanks needing further investigation were opened, inspected for product, and emptied if necessary. The PCB contaminated asphalt piles in the parking lot were picked up and placed in a roll off can for disposal. Approximately half of the staged drums have been loaded into trucks and taken off site for disposal.

2. Current actions

EPA and it's contractors are at the site preparing the waste for disposal and arranging trucks to take the waste off site.

C. State and Local Authorities' Roles

1. State and local actions to date

MADEP and the City of New Bedford have been coordinating with EPA's efforts at the Site. The City has been controlling access to the Site by means of a locked gate and has been maintaining the sprinkler system and the electricity in the building. The City has requested that the local police department make frequent stops at the facility to discourage vandals. The New Bedford Facilities Office has one worker report to site once a day to make sure all facility doors and gates are locked.

2. Potential for continued State/local response

The MADEP will assist the EPA's removal action by providing Applicable or Relevant and Appropriate Regulations (ARARs) and technical support. The City of New Bedford will continue to maintain the building utilities and daily inspections.

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

A. Threats to Public Health or Welfare

Please refer to the original Action Memorandum dated April 8, 2004.

B. Threats to the Environment

Please refer to the original Action Memorandum dated April 8, 2004.

IV. ENDANGERMENT DETERMINATION

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

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The proposed actions will protect public health, welfare and the environment by removing the source of potential contamination. Activities remaining to be completed include the pavement cap on the eastern end of the facility, disposal of the drums and other waste containers, and securing and demobilizing from the site. Upon completion of this removal action, the City of New Bedford will be responsible for future monitoring of the Site. They will work with MADEP and local fire and police departments to prevent unauthorized site access.

Currently, a sludge treatment system is being staged on a portion of the capped area to facilitate ongoing work by EPA's remedial program in the New Bedford Harbor. At this time the system is hindering the repairs of the full cap. The removal program will be able to address most of the original area while enabling the sludge treatment system to remain in place. In the Spring, the OSC and the remedial project manager (RPM) will evaluate the effectiveness of the repaired cap and determine whether the remaining cap area will be addressed in a similar fashion. Under post removal site controls, the remedial program will perform any additional work to ensure the integrity of the cap.

2. Community relations

EPA will continue to coordinate closely with the State and Town officials throughout the cleanup. Community relations activities to date include a press release and a fact sheet distributed to the local businesses and residents.

3. Contribution to remedial performance

The cleanup proposed in this Action Memorandum is designed to mitigate the threats to human health and the environment posed by the Site. Actions proposed by this Addendum will continue to be consistent with and will not impede any future responses.

4. Description of alternative technologies

No alternative technology is currently planned for this Site.

5. Applicable or relevant and appropriate requirements (ARARs)

Please refer to the original Action Memorandum dated April 8, 2004.

6. Project schedule

Response actions will continue with the signing of this Action Memorandum Addendum. Completion of the proposed removal action is expected within 2 months of the approval of this document.

B. Estimated Costs

The funding for this Removal Action will come from the Aerovox Incorporated Special Account designated to the Site.

Cost Category	Costs To Date	Current Ceiling	Requested Increase	Proposed Ceiling
ERRS II Contractor	$203,558	$250,000	$75,000	$325,000[1]
START Contractor	$45,000	$100,000	$0	$100,000
Subtotal, Extramural Costs	$248,558	$350,000	$75,000	$425,000
Extramural Costs Contingency	$70,000	$70,000	$15,000	$85,000
Total Removal Project Ceiling	**$318,558**	**$420,000**	**$90,000**	**$510,000**

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

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

Delayed action will increase both environmental and health risks posed by the presence of hazardous substances at the Site. Site conditions can be expected to continue to deteriorate, and the threats associated with the presence of hazardous substances will persist.

VII. OUTSTANDING POLICY ISSUES

There are no precedent setting policy issues associated with this site.

VIII. ENFORCEMENT

The total EPA costs for this removal action based on full-time accounting practices that will be eligible for cost recovery are estimated to be $510,000 + $75,000 = $585,000 X 1.2702 (regional indirect rate) = **$743,067**[2].

Enforcement Strategy: ***For Internal Distribution Only****, see attached.*

IX. RECOMMENDATION

This Action Memorandum Addendum documents the request and approval for a Total Project Ceiling Increase at the Aerovox Incorporated Site in New Bedford, Massachusetts, developed in accordance with CERCLA as amended and not inconsistent with the National Contingency Plan.

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[2] Direct Costs include direct extramural costs [$510,000] and direct intramural costs [$75,000]. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific costs [27.02% x $510,000], 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.

Site conditions continue to meet the NCP section 300.415 (b) (2) criteria for a removal action. To allow a continued removal response that will properly address the remaining hazardous substances, I recommend approval of this Total Project Ceiling Increase. With the increase in ceiling, the estimated Total Removal Project Ceiling will be $495,000. The funding for this Removal Action will come from the Aerovox Incorporated Special Account designated to the Site.

APPROVAL: _____ DATE: 9-24-04

DISAPPROVAL: _____ DATE: _____