



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
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BOSTON, MA 02109-3912

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: July 28, 2011

SUBJ: Request for a Removal Action at the S. Bent Furniture Co Site,
Gardner, Worcester County, Massachusetts - **Action Memorandum**

FROM: CAPT Allen K. Jarrell, On-Scene Coordinator
Emergency Response and Removal Section I

THRU: David McIntyre, Chief *DMC*
Emergency Response and Removal Section I

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Emergency Planning & Response Branch

TO: James T. Owens III, Director
Office of Site Remediation and Restoration

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed removal action at the S. Bent Furniture Co Site (the Site), which is located at 60 Mill Street in Gardner, Worcester County, Massachusetts. Unknown waste products, stains, lacquers and other paint-related materials along with asbestos-containing materials (ACM) in the building at the Site, if not addressed by implementing the response actions selected in this Action Memorandum, 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, and there has been no use of the OSC's \$200,000 warrant authority.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID# : MAN000106060
SITE ID# : 01HJ
CATEGORY : Time-Critical

A. Site Description

1. Removal Site evaluation

On November 30, 2010, EPA OSC Jarrell, the City of Gardner Building Commissioner, and a Weston Solutions START member conducted an on-site reconnaissance. During the reconnaissance, drums and containers suspected to contain solvents, paints and lacquers

were noted scattered throughout the building. Sections of the building were inaccessible and may also contain hazardous materials. Portions of the insulation of the heating system and piping were suspected to contain ACM.

On January 7, 2011, EPA OSC Jarrell, the Gardner Building Commissioner, and START conducted a Site Investigation. START collected 15 bulk asbestos samples and sent them to the EPA Office of Environmental Measurement and Evaluation in Chelmsford, MA for analysis of asbestos content. Asbestos was detected in 5 of the bulk samples from the first and second floors.

The OSC recommended a removal action (RA) in a closure memo dated April 25th, 2011.

2. Physical location

The Site is located at 60 Mill Street in Gardner, Worcester County, Massachusetts in a mixed residential and industrial area bordered to the south by Mill Street and commercial properties, to the east by Winter Street, and to the north and west by residential and commercial properties. The geographic coordinates of the approximate center of the property are latitude 42° 33' 26.6" north and longitude 71° 59' 13.7" west.

3. Site characteristics

The Site contains a 130,000 ft² four-story warehouse. The building's heating system is insulated in several areas with friable ACM, and there are scattered containers of suspected solvents, lacquers and paint that had been used in the furniture manufacturing process. The building is not secured, many of the doors are opened, and trespassers are exposed to friable ACM as soon as they walk in the exterior doors into the first floor and boiler room. Several windows are broken or open which would provide the friable ACM numerous transportation routes to the environment.

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

Friable ACM, the primary contaminant of concern, is throughout the building (based on analytical data from a 2011 EPA investigation and a 2008 Asbestos and Hazardous Material Evaluation conducted on behalf of MassDEP). Many of the drums and containers are in very poor conditions (leaking, rusted, unsealed). The potential exists for release of these hazardous contaminants due to fire or the deterioration of the building. The Gardner Building Commissioner noted that he is unable to secure the building and is constantly replacing plywood boards that are being torn down from windows and doors by vagrants.

5. NPL status

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

B. Other Actions to Date

1. **Previous actions** – None.
2. **Current actions** – None.

C. State and Local Authorities' Roles

1. State and local actions to date

On behalf of the State of Massachusetts, GZA GeoEnvironmental Inc. conducted an Asbestos and Hazardous Material Evaluation from October 21- 23, 2008. A total of 106 asbestos bulk samples were collected during the evaluation and were analyzed. Results indicated that friable and non-friable ACM was present in throughout the property.

MassDEP personnel and officials from the city of Gardner conducted a joint Site Assessment on October 1, 2010. Numerous drums and containers of apparent hazardous materials (based on labeling) were also discovered within the main building. In addition, insulation materials that might contain friable ACM were identified on the heat system throughout the structure. Although city officials have been making on-going efforts to secure access, there were obvious signs of unauthorized access into the building.

2. Potential for continued State/local response

MassDEP and local coordination will continue during the EPA removal action.

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

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)];

Portions of the Site are open, unsecured, and show visible signs of trespass. Thus, unauthorized people or animals could potentially be exposed to friable ACM and unknown waste products.

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release; [§300.415(b)(2)(iii)];

Many drums and containers are in poor condition and pose a threat of release. The building is unoccupied, exposed to the environment, and thus, such a release would likely not be detected or addressed in a timely manner.

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

The elements have caused the portions of the roof to fail. This intensifies the possibility of a release.

Threat of fire or explosion; [§300.415(b)(2)(vi)];

Flammable materials may exist in the drums and containers throughout this building; thus, they present a threat of fire or explosion.

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

Neither State nor local authorities have the resources to remove the hazardous substances from 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 this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.¹

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

At this time, it does not appear that there is a viable potentially responsible party (PRP) with the resources to conduct the removal action. Therefore, the removal will proceed as a

fund-lead action. The removal action will protect public health, welfare, and the environment from the threats identified in Section III by removing the hazardous substances from the Site. Removal activities will include:

- A site walk with the cleanup contractor and structural engineer
- Securing the Site (providing security guards, and repairing/adding fencing to restrict access) as deemed necessary by the OSC;
- Mobilizing personnel, equipment, and materials to set up command post;
- Removing and disposing of the identified drums, containers, and confirmed friable ACM;
- Performing any additional sampling, analysis, characterization, neutralization, and/or removal of hazardous substances as deemed necessary by the OSC;
- Identifying and characterizing waste streams and developing waste disposal profiles;
- Providing transportation and disposal of hazardous substances, including but not limited to, drums, containers, and friable ACM, at CERCLA-approved off-site disposal and recycling facilities in a safe and as cost-effective a manner as possible;
- Demobilizing all equipment, supplies and personnel as they are no longer needed at the Site.

2. Community relations

The Site is bordered by residences on two sides. The OSC will remain involved with the community throughout the cleanup and will coordinate closely with state and local authorities on community relations activities such as press releases, fact sheets, or public meetings.

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. The actions taken at the Site would be consistent with and will not impede any future responses.

4. Description of alternative technologies

The use of alternative technologies is not anticipated but will be evaluated if practicable.

5. Applicable or relevant and appropriate requirements (ARARs)

The cleanup standards, standards of control, and other substantive requirements that have been identified to-date, are listed below, and are applicable within the confines of EPA Publication 540/P-91/011, "Superfund Removal Procedures: Guidance on the Consideration of ARARs During Removal Actions."

Federal ARARs:

40 CFR Part 262 Standards Applicable to Generators of Hazardous Waste:

Subpart B - The Manifest

- 262.20 : General requirements for manifesting
- 262.21 : Acquisition of manifests
- 262.22 : Number of copies of manifests
- 262.23 : Use of the manifest

Subpart C - Pre-Transport Requirements

- 262.30 : Packaging
- 262.31 : Labeling
- 262.32 : Marking

Subpart D - Recordkeeping and Reporting

- 262.40 : Recordkeeping

40 CFR Part 264 Standards for Owners and Operators of Hazardous waste Treatment, Storage, and Disposal Facilities:

Subpart I - Use and Management of Containers

- 264.171 : Condition of containers
- 264.172 : Compatibility of waste with containers
- 264.173 : Management of containers
- 264.174 : Inspections
- 264.175 : Containment
- 264.176 : Special requirements for ignitable or reactive waste
- 264.177 : Special requirements for incompatible wastes

40 CFR Part 264 Hazardous Waste Regulations - RCRA Subtitle C:

- 268-270 : Hazardous and Solid Waste Amendments Land Disposal Restrictions Rule

40 CFR Part 300.440 Procedures for Planning and Implementing Off-Site Response Actions (Off-Site Rule)

State ARARs:

The OSC will coordinate with State officials to identify additional State ARARs, if any. In accordance with the National Contingency Plan and EPA Guidance Documents, the OSC

will determine the applicability and practicability of complying with each ARAR which is identified in a timely manner.

6. Project schedule

The OSC estimates that this removal action will take approximately 6 months to complete. Removal actions will commence immediately after receiving access to the Site from the property owner.

B. Estimated Costs

COST CATEGORY		CEILING
<i>REGIONAL REMOVAL ALLOWANCE COSTS:</i>		
ERRS Contractor		\$380,000.00
Interagency Agreement		\$ 0.00
<i>OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:</i>		
START Contractor		\$120,000.00
Extramural Subtotal		\$500,000.00
Extramural Contingency	20%	\$100,000.00
TOTAL, REMOVAL ACTION CEILING		\$600,000.00

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

Delayed action will increase public health risks due to the increased potential exposure to ACM and/or the continued deterioration of the building to humans who frequent the Site. Without the removal action described herein, conditions at the Site will remain unaddressed and degrade, and threats associated with the abandoned hazardous substances will persist and increase.

VII. OUTSTANDING POLICY ISSUES

There is no precedent-setting policy issues associated with this Site.

VIII. ENFORCEMENT ... For Internal Distribution Only

See attached Enforcement Strategy.

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 \$600,000 (extramural costs) + \$100,000 (EPA intramural costs) = \$ 700,000 X 1.4541 (regional indirect rate) = **\$1,017,870²**.

IX. RECOMMENDATION

This decision document represents the selected removal action for the S. Bent Furniture Co Site in Gardner, MA, developed in accordance with CERCLA, as amended, and is not inconsistent with the National Contingency Plan. The basis for this decision will be documented in the administrative record to be established for the Site. Conditions at the Site meet the NCP Section 300.415 (b) (2) criteria for a removal action 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)];

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release [§300.415(b)(2)(iii)];

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

Threat of fire or explosion [§300.415(b)(2)(vi)];

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

I recommend that you approve the proposed removal action. The total removal action project ceiling if approved will be \$600,000.

APPROVAL:  FOR JTO

DATE: 7/28/11

DISAPPROVAL: _____

DATE: _____

²Direct Costs include direct extramural costs \$600,000 and direct intramural costs \$100,000. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific costs [45.41% x \$1,017,870], consistent with the full accounting methodology effective October 2, 2000. 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.