



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**DATE:** May 1, 2012

**SUBJ:** Site Investigation Closure Memorandum  
Batchelder Site  
46a Swamp Road  
Newtown, CT, 06470

**FROM:** Eric Vanderboom, On-Scene Coordinator *EV 5/1/12*  
Emergency Response and Removal Section I

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

**TO:** Batchelder Site File

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In accordance with section 300.410 of the National Contingency Plan (NCP), a Removal Site Evaluation, consisting of a Preliminary Assessment and Site Investigation (PA/SI), has been undertaken at the Batchelder Site ("Site") in Newtown, Connecticut. 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 analytical results generated by Handex of Connecticut Inc. for the Town of Newtown, CT. Lab used was Complete Environmental Testing Inc. July 18, 2000.
    - ii. Review of other documents "Health Consultation" prepared by Connecticut Department of Public Health (CT DPH) with The Agency for Toxic Substance and Disease Registry (ATSDR).

- iii. Site visit with Rob Sibley (Town of Newtown, CT), Donna Culbert (local health department), Tony Bobowicz (CTDEEP), Kenneth Foscue (CT DPH) and Gary Perlman (ATSDR) on April 4, 2012.
  - iv. Interviews with town officials, state environmental department, local and state health departments and ATSDR.
  - v. The Site Investigation on April 9-10, 2012.
  - vi. Generating a PA/SI report by EPA's contractor, titled "Removal Program Preliminary Assessment/Site Investigation report for the Batchelder Site".
- b. Based on the information available at this time, the principal hazardous substances or pollutants or contaminants that are being released or for which there is threat of release include but are not necessarily limited to the list below.

Hazardous Substances or  
Pollutants or Contaminants

Media

Metals [As, Pb, Cd, Cu, & Zn]

dross (waste) piles, ash piles, and soil

PCBs

dross piles

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 ☐

b. Endangerment to the ecosystem:

Threat ☒

No Threat ☐

Evaluation Not Necessary ☐

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.
- ☒ 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/absence] of the conditions specified in Section 4.a., above, indicate that a Removal Action under section 300.415 of the NCP **is** necessary.
- 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 ☒ 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)(1) 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.

- ☐ 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. Neither CTDEEP nor information from the EPA site investigation has indicated that no oil is releasing or threatens to release into the environment from the Site.

cc: David McIntyre, Chief, Emergency Response and Removal Section I, OSRR (w/o attachments)  
Tina Hennessey, Enforcement Coordinator, Emergency Response and Removal Section I, OSRR (w/o attachments)  
H. Anthony Bobowicz, Engineer, Connecticut Department of Energy & Environmental Protection (w/o attachments)  
Rob Sibley, Deputy Director of Planning and Land Use, Town of Newtown, CT (w/o attachments)

