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

MEMORANDUM

DATE: March 3, 2005

SUBJ: Request for a Removal Action at the Baldwinville Products Site, Templeton, Worcester County, Massachusetts - **Action Memorandum**

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THRU: Dave McIntyre, Chief
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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 the proposed removal action at the Baldwinville Products Site, (the Site), which is located on Mill Street in Templeton, Worcester County, Massachusetts. Hazardous substances present in drums, tanks, surface soils, and building debris 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#: MAD 069921492
SITE ID#: 01BH
CATEGORY: Time Critical

A. Site Description

1. Removal site evaluation

On May 1 and 3, 2003, OSC Mary Ellen Stanton and the EPA's START contractor conducted a Removal Site Investigation.

The following are the key findings:

- Approximately 100 unburied 55-gallon drums are located at the Site. Some of the contents of these drums have a pH less than 3.5 units. Several drums contain percentages of volatile organic compounds (VOCs) including xylene and trimethylbenzene. One drum was labeled 'sodium bisulfide 38%';
- Surface soils contain lead at 890 ppm and arsenic at 390 ppm;
- Asbestos containing material (ACM) was detected in 6 of 19 samples. Detected asbestos ranged from 5- 15% of amosite and crocidolite;
- Over 40 above ground storage tanks (ASTs) with unknown contents were observed;
- Approximately six large cylinders were identified;
- About forty 200-300 gallon cube containers are present;
- Two 20,000 gallon underground storage tanks (USTs) were identified containing an unknown volume of fuel oil;
- One 50,000 gallon UST was also identified containing an unknown volume of fuel oil;
- Two ASTs were identified: a 275,000 gallon pre-treatment clarifier tank and a 1000 to 1500 gallon sulfuric acid tank.

From 1952 to 1991, Baldwinville Products, Inc., a wholly-owned subsidiary of Erving Industries owned the Site, which also included at one time the property currently occupied by the Templeton Wastewater Treatment Plant (WWTP) is located across the Otter River from the Site. American Tissue Mills of Massachusetts, Inc. has owned the Site since 1991 and operated the Site until 1995.

2. Physical location

The Site is approximately 110 acres and is bordered by residences to the north, east and west. The Otter River is the southern property boundary. The Site is located at latitude 42 degrees 36 minutes, 48 seconds north, and the longitude 72 degrees 04 minuets 17 seconds west in Baldwinville, Massachusetts. Baldwinville is one of five villages in the town of Templeton and has it's own zip code (01436). The town of Templeton, according to the 2000 census, has a population of approximately 6500 people. All properties are serviced by on-site private drinking water wells. The nearest home is approximately 600 feet from the Site; also the village center and a school are within a half mile and an elderly assisted living facility is within one mile of the Site.

3. Site characteristics

The Site has been inactive since the mid 1990's and consists of a warehouse building, two mill buildings adjacent to the warehouse building, a smaller mill building, and a brick building at the rear of the property. During the operation of the paper mill, water from the manufacturing process was discharged into the WWTP. Two aboveground tanks, and 275,000 gallon pretreatment tank are located in the southern portion of the Site, and a

smaller (1000 to 1500 gallon) sulfuric acid tank is located in the northern end of main mill building.

According to the EPA Region 1 Environmental Justice Mapping Tool, the Site is not in an environmental justice area.

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

The following table identifies the contaminants, media, and threats posed by the contaminants:

Contaminant	Media	Threat
Various liquids and sludges, including some of pH<3.5, VOC's and sodium bisulphate.	Drums	Discharge and release to the environment via the mill floor and ground to the Otter River. Volatilization and exposure to nearby residents in event of a more serious mill fire.
Lead at 890 ppm and arsenic at 390 ppm	Surface soils	Exposure pathways are ingestion by trespassers and surface run off into the Otter River.
Asbestos Containing Materials (ACM)	Piping, stacks & equipment, inside & outside Mill Complex	ACM at the Site is friable and is in degraded condition. ACM outside may release with the wind in dry conditions to nearby residential neighborhoods. ACM inside may release in event of a fire or in dry seasons as the buildings' condition continues to degrade.
Tank sludges & liquids; Unknown paper processing/waste liquids.	Tanks	Condition of 40 tanks in mill complex unknown. Potential release to adjacent Otter River in event of continued deterioration of mill structure and/or release to mill piping with as river influent and effluent piping remain free-flowing.
Gases, unknown	Cylinders, condition unknown	Threat of explosion and/or release of unknown gases from cylinders due to continued material degradation and/or mill fire.
Unknown liquids	Cube containers, 200-300 Gal. each	Condition unknown. Threat of discharge and release to the site and Otter river due to continued degradation, vandalism or fire.
Fuel Oil	Two 20k Gal. & a 50k Gal. UST	Condition unknown, threat of release to soil, groundwater and river due to UST deterioration.
Sulfuric Acid	1000 Gal .AST	AST is outside, partially full, in poor condition and deterioration continues. Threat of release to adjacent Otter River.
Process liquids & Sludge	275k Gal. Clarifier AST	AST is outside, partially full, in poor condition and deterioration continues. Threat of release is possible to the Otter River.

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

From the mid 1990's to the present the property owner employed several environmental contractors who conducted investigations to attempt to determine the sources of PCBs detected in the sediments of the Otter River.

In August 2004 vandals disturbed several drums and rolled one into the Otter River. The Town retrieved and re-stowed the drums on site without a release.

On January 1, 2005, a four alarm fire started at the loading dock of one of the mill buildings and numerous fire departments from neighboring towns responded. The fire did not spread to the areas of the mill complex which contain hazardous materials. The fire was considered suspicious and is currently under investigation

2. Current actions

None.

C. State and Local Authorities' Roles

1. State and local actions to date

The Massachusetts Department of Environmental Protection (MA DEP) has been investigating the source of PCB contamination in the Otter River since the mid 1990's. Massachusetts Chapter 21R requirements are requiring the owners of the Site, along with other entities, to continue investigations to identify the source(s) of the PCBs in the river.

The local town building inspector has condemned several of the on site buildings due to their deteriorated structural integrity.

In January 2005, the MA DEP issued a Notice of Responsibility (NOR) to the owner. The NOR required the owner to immediately secure all access to the mill, conduct an assessment, and to initiate cleanup actions at the site in accordance with the State's Chapter 21E requirements.

2. Potential for continued State/local response

The MA DEP is assisting EPA by providing input on the proposed removal action and is compiling a list of the State's regulations for consideration as applicable or relevant and

appropriate. Neither the State nor the local authorities have the resources to remove the hazardous substances from the Site.

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

A. Threats to Public Health or Welfare

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 found at the Site include friable asbestos, soils contaminated with heavy metals, and numerous bulk containers containing hazardous materials. These hazardous substances could be released into the Otter River which is adjacent to the Site. The friable asbestos is accessible to trespassers.[1] The nearest house is within 600 feet of the mill building.

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)];

Approximately 100 unburied drums; 40 tanks; two 20,000 gallon ASTs; one 1000 - 1500 gallon sulfuric acid tank; and one 275,000 gallon clarifier tank are located on site. These containers contain percentages of xylenes, trimethylbenzenes and other VOCs. The buildings are unoccupied and are accessible to trespassers. Thus, if a release were to occur such a release would likely not be detected or addressed in a timely manner.

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)];

Lead was detected in surface soils at 890 ppm. Arsenic was detected in surface soils at 390 ppm. Both of these concentrations exceed the MA DEP soil standards.[2]

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

Due to the presence of friable asbestos and contaminated surface soils, weather conditions may cause these contaminants to migrate off site or into the Otter River.

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

Several fires have already occurred at the Site. The most recent fire was on January 1, 2005. If a major fire occurred, asbestos and other hazardous substances would become airborne during the firefighting activities and would most likely pose a risk to the nearby residents. Run off water resulting from firefighting actions would likely impact the Otter River.

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[1] Agency for Toxic Substances and Disease Registry (ATSDR), U.S. Department of Health and Human Services, Public Health Service, *Toxicological Profile for Asbestos, September 2001.*

[2] ATSDR, 2004, *TOXFAQs for Lead.* Available at http://www.atsdr.cdc.gov/tfacts13.html.

B. Threats to the Environment

The threats to the environment are the same as those mentioned above in Section III. A.

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.[3]

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The EPA OSC and contractors will convene at the Site and meet with State and Town officials to discuss the personnel, equipment, logistics, and supply needs of the removal action.

EPA and its contractor personnel will mobilize to the Site, secure it and post signs as seen fit by the OSC to reduce accessibility and alert visitors of the hazardous associated with the work being performed on the premises.

Once EPA and contractor personnel are mobilized, all drums and containers will be evaluated for hazardous substances, and properly staged. Samples will be collected and analyzed to properly identify hazardous substances. Also, samples will be collected from storage tanks and other containers and analyzed for hazard characterization and disposal profiles.

All drums, containers, storage tanks, and/or areas found to be contaminated by hazardous substances and that pose an immediate threat to public health or welfare or the environment will be either properly removed where possible and transported to an appropriate off-site disposal facility, or otherwise addressed as seen fit by the OSC to reduce or eliminate any immediate health threats.

Also, suspected ACM will be sampled and analyzed. Friable ACM will be properly collected and transported off-site for disposal.

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[3]In accordance with OSWER Directive 9360.0-34, an endangerment determination is made based on relevant action level or clean-up standards promulgated by the federal government or the applicable state.

2. Community relations

As part of the site mobilization activities, EPA will coordinate with the Town of Templeton and the MA DEP. If the OSC determines it to be necessary, EPA will coordinate a public informational meeting with the community surrounding the Site. In addition and as determined necessary by the OSC, EPA will prepare and issue press releases and/or newsletters with removal action progress status for the public. The OSC will be available at the Site during removal activities to address questions and/or concerns from the public.

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

No alternate technologies are currently planned for the Site.

5. Applicable or relevant and appropriate requirements (ARARs)

Federal ARARs:

29 CFR Parts 1910, 1926, and 1904: OSHA Health and Safety Regulations

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)

40 CFR Part 761.60 and Parts 761.202-218 : TSCA requirements for disposal of PCBs

49 CFR Parts 171-179 : Department of Transportation Regulations for Transport of Hazardous Materials

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 ERRS Contractor will coordinate with the OSC to determine the exact day site activities will be initiated. However, mobilization to the Site shall occur within six (6) weeks of the date of this Action Memorandum depending on weather conditions. Site activities are expected to be complemented within nine (9) months of mobilization to the Site

B. Estimated Costs

COST CATEGORY		CEILING
REGIONAL REMOVAL ALLOWANCE COSTS:		
ERRS[4] Contractor		$500,000.00
Interagency Agreement		$0,000.00
OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:		
START[5] Contractor		$100,000.00
Extramural Subtotal		$600,000.00
Extramural Contingency	20%	$120,000.00
TOTAL, REMOVAL ACTION CEILING		**$720,000.00**

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

Delayed action will increase both environmental and public health risks posed by the presence of hazardous substances including, but not limited to, friable ACM, bulk containers of wastes, contaminated surface soils. The presence of hazardous substances, combined with the Site being unsecured, poses a potential adverse impact to the surrounding environment and population.

VII. OUTSTANDING POLICY ISSUES

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

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[4] Emergency Rapid Response Services
[5] Superfund Technical Assistance and Response Team

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 $720,000 (extramural costs) + $25,000 (EPA intramural costs) = $745,000 X 1.3151 (regional indirect rate) = **$979,750** [6].

IX. RECOMMENDATION

This decision document represents the selected removal action for the Baldwinville Products Site in Templeton, Massachusetts developed in accordance with CERCLA, as amended, and 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 as 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)];

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)];

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

I recommend that you approve the proposed removal action. The total removal action project ceiling if approved will be $720,000. Of this total, no more than $620,000 comes from the Regional removal allowance.

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[6] Direct Costs include direct extramural costs $720,000 and direct intramural costs $25,000. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific costs 31.51% x $745,000, 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.

APPROVAL: _____ DATE: 3-18-05

DISAPPROVAL: _____ DATE: _____