



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: 30 August 2012

SUBJ: Request for a Removal Action at the Martin Street Lab Pack Response, Maynard, Middlesex County, Massachusetts - **Action Memorandum**

FROM: Elsbeth Hearn, On-Scene Coordinator
Emergency Response and Removal Section

THRU: Michael Barry, Chief
Emergency Response and Removal Section

David McIntyre, Chief
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 emergency response removal action at the Martin Street Lab Pack Response Site (the Site), located at 9 Martin Street in Maynard, Middlesex County, Massachusetts. Hazardous substances present in abandoned containers at the Site, if not addressed by implementing the response actions selected in this Action Memorandum, would have continued 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. However, due to the exigencies of the Site conditions, the EPA Contracting Officer issued a verbal notice to proceed to the ERRS contractor on 27 August 2012.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID#: MAN000106131
SITE ID#: 01KR
CATEGORY: Emergency Response

A. Site Description

1. Removal site evaluation

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On 27 August 2012, the Massachusetts Department of Fire Services - Hazardous Materials Response Division (MDFS HAZMAT) requested EPA assistance to assess and mitigate hazards from hundreds of small containers of assorted hazardous materials packed into the basement and garage of a private residence located at 9 Martin Street in Maynard, Massachusetts (the Site). Initial assessments from the HAZMAT team identified bottles containing chloroform, benzene, 1,2-dichloroethane, and mercury. In addition to the bottles, the HAZMAT team discovered spilled elemental mercury on the floor of the basement and empty munitions boxes.

At 1700 on 27 August 2012, EPA OSC Elsbeth Hearn and two members of the Region 1 Superfund Technical Assistance Response Team (START), arrived on-scene and integrated into the unified command. The majority of the containers were small bottles located in a room accessed through the basement of the residence. Neither the MDFS HAZMAT nor the Massachusetts Department of Environmental Protection (MassDEP) was able to address the situation. After conducting the initial assessment, OSC Hearn determined Site conditions posed an imminent and substantial endangerment to human health and the environment and initiated an emergency removal action to address the threat. EPA issued a task order to the Emergency and Rapid Response Services (ERRS) contractor to begin work on 28 August 2012.

The owner of the house is staying with a friend until EPA stabilizes the Site.

2. Physical location

The Site is located in a residential neighborhood in Maynard, Middlesex County, Massachusetts. Latitude is North 42° 43' 08" and longitude is West -71° 46' 29".

The Maynard Police Department is located on Main Street approximately 500 feet east. Approximately 856 persons live within ¼ mile radius with the nearest residents adjacent to the house on Martin Street. According to the EPA Region 1 Environmental Justice Mapping Tool, the Site is not in an environmental justice area.

3. Site characteristics

The Site is a residential dwelling with a detached garage built on a flat parcel in a residential neighborhood. The Assabet River runs adjacent to the property to the north.

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

Only a partial inventory of hazardous substances is available at this time. This inventory includes containers of elemental mercury, benzene, 1,2-dichloroethane, chloroform, carbon disulfide and a variety of various sulfate based salts. EPA and MDFS HAZMAT also detected elemental mercury on the basement floor.

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

There have been no previous EPA actions at this Site.

2. Current actions

ERRS mobilized to the Site on 28 August 2012 and began staging equipment and setting up to access and assess the containers.

C. State and Local Authorities' Roles

1. State and local actions to date

MDFS HAZMAT and Mass DEP, working with Maynard Fire and Police conducted the initial assessment and inventory of the containers at the Site. MDFS HAZMAT requested EPA assistance to assess and address the hazardous substances in the basement of the residence. Maynard Fire and Police continued to provide security and HAZMAT support to EPA during the emergency removal action.

2. Potential for continued State/local response

Maynard Police and Fire will continue supporting EPA during the emergency 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)];

The Site is located in a residential neighborhood. Hazardous substances stored in containers and elemental mercury on the floor of the basement may pose an adverse health risk to nearby residents.

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)];

The Site consists of numerous small containers of hazardous substances and unknown materials in the basement and garage of the residence. Some of the containers are in poor condition increasing the likelihood of a release in the future. Any release of materials from the containers may pose an adverse health risk to nearby residents.

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

MDFS identified several containers of ignitable materials during the initial inventory. The improperly stored containers of ignitable materials create a fire and explosion threat which will persist until the containers are properly stabilized and removed from the property.

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

There are no other Federal or State response mechanisms available to address this situation.

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

Proposed actions include but are not limited to the following:

- Prepare and implement a site-specific health and safety plan;
- Mobilize appropriate personnel, equipment, expendables and supplies;
- Conduct a site walk to assess risks and determine response options;
- Provide appropriate level of security based on site conditions;
- Conduct air monitoring to determine exclusion zone and to determine levels of respiratory protection;
- Relocate occupants and nearby residents as needed;
- Conduct preliminary HAZCAT and sample the abandoned containers;

- Stabilize, segregate, secure and over-pack the abandoned containers;
- Take required actions to address any spilled material in the basement of the residence;
- Conduct elemental mercury remediation measures as needed;
- Coordinate transportation and disposal (T&D) of over-packed containers to an EPA-approved disposal facility;
- Provide off-site T&D of over-packed containers to an EPA-approved disposal facility;
- Repair response related damage;
- Demobilize personnel and equipment.

2. Community relations

The OSC coordinated with State and local government organizations during the response. EPA has assigned a Community Involvement Coordinator (CIC) to assist the OSC during the emergency removal.

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

Not applicable.

5. Applicable or relevant and appropriate requirements (ARARs)

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 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.

6. Project schedule

This action is an emergency removal and is in progress. The OSC anticipates the action will be completed within two months.

B. Estimated Costs

COST CATEGORY		CEILING
REGIONAL REMOVAL ALLOWANCE COSTS		
ERRS Contractor		\$250,000.00
Interagency Agreement		\$0,000.00
OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE		
START Contractor		\$75,000.00
Extramural Subtotal		\$325,000.00
Extramural Contingency	10%	\$32,500.00
TOTAL, REMOVAL ACTION CEILING		\$357,500.00

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

Delayed action will increase public health risks by increasing the likelihood of potentially hazardous substances or pollutants releasing from the Site and into the environment.

VII. OUTSTANDING POLICY ISSUES

No precedent-setting policy issues are 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 \$357,500 (extramural costs) + \$40,000 (EPA intramural costs) = \$397,500 X 1.3284 (regional indirect rate) = **\$528,039¹**.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Martin Street Lab Pack Response Site in Maynard, Massachusetts 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)];

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)];

¹ Direct Costs include direct extramural costs \$357,500 and direct intramural costs \$40,000. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific costs 32.84% x \$528,039, 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.

Action Memorandum for Martin Street Lab Pack Response Site
Maynard, Massachusetts

August 30, 2012
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I recommend that you approve the proposed removal action. The total removal action project ceiling if approved will be \$357,500.

APPROVAL: Nancy Bannack for

DATE: 08/30/12

DISAPPROVAL: _____

DATE: _____