



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE – SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: July 10, 2019

SUBJ: Request for a Ceiling Increase for the Removal Action at the Stenton Trust Mill Site, Sanford, York County, Maine - **ACTION MEMORANDUM ADDENDUM**

FROM: Catherine Young, On-Scene Coordinator *CY*
Emergency Response and Removal II Section

THRU: William Lovely, Chief *W. Lovely*
Emergency Response and Removal II Section

Carol Tucker, Chief *CT*
Emergency Planning & Response Branch

TO: Bryan Olson, Director *BO*
Superfund and Emergency Management Division

I. PURPOSE

The purpose of this Action Memorandum Addendum is to request and document approval for a ceiling increase of \$285,000 to complete activities at the Stenton Trust Mill Site (the Site), which is located at 13 River Street in Sanford, York County, Maine. The additional funds are necessary due to the requirement to build a temporary road to resolve an access issue with an adjacent business and due to the increased cost of demolition activities resulting from the complexity of dismantling onsite buildings contaminated with asbestos.

In June of 2017, a large fire engulfed and badly damaged significant sections of the Stenton Trust Mill Building, resulting in an uncontrolled release of asbestos-containing material (ACM) to the surrounding residential neighborhood. ACM, if not addressed by implementing the response actions selected in the original Action Memorandum dated August 8, 2018 and in this Action Memorandum Addendum, will continue to pose a threat to human health and the environment. There has been no use of the On-Scene Coordinator's (OSC's) \$200,000 warrant authority.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID#: MEN000105887
SITE ID#: 01FA
CATEGORY: Time-Critical

A. Site Description

1. Removal site evaluation

Please refer to the original Action Memorandum dated August 8, 2018.

2. Physical location

Please refer to the original Action Memorandum dated August 8, 2018.

3. Site characteristics

Please refer to the original Action Memorandum dated August 8, 2018.

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

Please refer to the original Action Memorandum dated August 8, 2018.

5. NPL status

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

6. Maps pictures, and other graphic representations

See attached map.

B. Other Actions to Date

1. Previous actions

Please refer to the original Action Memorandum dated August 8, 2018.

2. Current actions

The following is a summary of EPA current removal activities at the Site.

- EPA mobilized to the site with the ERRS contractor on May 23, 2019 to commence site setup activities.
- Asbestos removal in Tower A was completed in June 2019. (See attached map for building references.)
- An access issue with an adjacent tenant who utilized a road located at the Site was resolved and a temporary road was installed to ensure continuous access to the adjacent tenant during EPA removal activities.
- EPA reached an agreement with the State Historic Preservation Officer (SHPO), in accordance with Section 106 National Historic Preservation Act requirements. A

Memorandum of Agreement has been developed. EPA has obtained a contractor to carry out the requirements of the MOA.

- Preparation activities have been completed in anticipation of demolition activities for Tower C and Sections B and D, which are scheduled to start in mid-July 2019.

C. State and Local Authorities' Roles

1. State and local actions to date

Please refer to the original Action Memorandum dated August 8, 2018.

2. Potential for continued State/local response

Please refer to the original Action Memorandum dated August 8, 2018.

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

As described below, the conditions at the Site meet the general criteria for a removal action, as set forth in 40 C.F.R. §300.415(b)(1), in that “there is a threat to public health or welfare of the United States or the environment,” and in consideration of the factors set forth in 40 C.F.R. §300.415(b)(2) as described below.

Asbestos at the Site continues to present a threat to the public and the environment. Please refer to the original Action Memorandum dated August 8, 2018 for additional information.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site may present an imminent and substantial endangerment to public health, welfare, or the environment. In accordance with OSWER Directive 9360.0-34 (August 19, 1993), an endangerment determination is made based on "appropriate Superfund policy or guidance, or on collaboration with a trained risk assessor," which is outlined and discussed in Section III above. Appropriate sources referenced for determination of risk at this Site include the EPA Removal Management Levels (RMLs).

During the 2017 PA/SI, EPA confirmed the presence of asbestos fibers, arsenic, lead, and benzo(a)pyrene in on-site soils. These contaminants, when present in concentrations exceeding established health-based risk levels, may have adverse impact on human health. Please refer to the original Action Memorandum dated August 8, 2018 for additional information.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The proposed actions for the Site will continue as outlined in the original Action Memorandum signed on August 8, 2018.

A. Proposed Actions

Two buildings are present at the Site. 1) A larger building which includes interconnected sections (see the attached map) identified as Towers A and C, Sections B and D, a loading dock and a basement, and 2) A garage building, which is not part of this removal action. The following actions pertain to removal activities which will be undertaken at the larger building, as well as external soils. EPA will work with the ME DEP and the City of Sanford to identify any waste left on-site to coordinate any local and state limited-use requirements which may be needed for the Site after the completion of the EPA TCRA.

1. Proposed action description

To address the threat to public health and the environment at the Site, the following actions are proposed:

- Conduct additional sampling as necessary to determine the presence of contamination in air, soil and potential ACM;
- Obtain the services of a structural engineer to develop safe entry and dismantling plans for Tower C and Sections B and D to ensure worker safety and the safety of the public;
- Construct a temporary road to provide safe access to an adjacent business during EPA demolition activities;
- Remove debris from onsite buildings and areas throughout the Site for staging, decontamination, removal, recycling and/or disposal, as necessary;
- Conduct further assessment of Tower A to determine the location of friable, and potentially friable, asbestos;
- Remove friable and potentially-friable asbestos and ACM from Tower A;
- Dismantle Tower C and Sections B and D of the building which are contaminated with asbestos and in a state of deterioration which prevent the safe removal of contaminated building materials which are releasing, or have a potential for releasing, asbestos into the environment;
- Remove and dispose of surface soils which are contaminated with hazardous substances;
- Assess and characterize any additional hazardous substances and materials discovered during this action;
- Dispose of materials in accordance with 40 C.F.R. Part 300.440 *Procedures for Planning and Implementing Off-Site Response Actions*;
- Backfill excavated areas with clean fill, as necessary; and
- Repair response-related damage, as necessary.

2. Community relations

EPA will continue to coordinate Site investigation activities with the City of Sanford and ME DEP and will continue coordination activities throughout the TCRA. The OSC will work with the EPA Community Involvement Coordinator to prepare outreach materials as necessary to inform residents of EPA activities as they progress.

3. Contribution to remedial performance

The cleanup proposed in the original Action Memorandum dated August 8, 2018 and in this Action Memorandum Addendum is designed to mitigate the threats to human health and the environment posed by releases or threat of releases of hazardous substances from the Site. The actions taken at the Site would be consistent with and will not impede any future responses.

4. Description of innovative technologies and sustainable approaches

Consistent with the December 23, 2013 memorandum issued by Assistant Administrator Stanislaus as well as the Region 1 Clean and Greener Policy for Contaminated Sites, greener cleanup practices are considered for all cleanup projects. Greener cleanup is the practice of incorporating practices that minimize the environmental impacts of cleanup actions and maximize environmental and human benefit. In this case, EPA plans to maximize recycling during this TCRA. EPA will attempt to bulk similar waste streams to reduce volume of any waste shipped off-site and will attempt to recycle the steel and other metals removed from the buildings during demolition activities. EPA will also implement recycling practices including recycling of paper and plastic bottles, etc.

5. Applicable or relevant and appropriate requirements (ARARs)

Please refer to the original Action Memorandum dated August 8, 2018.

6. Project schedule

EPA anticipates completion of the removal action to be within six months from the start date of May 2019.

B. Estimated Costs

COST CATEGORY	CURRENT CEILING	LINE ITEM ADJUST	REVISED CEILING	PROPOSED INCREASE	CEILING
REGIONAL REMOVAL ALLOWANCE COSTS:					
ERRS Contractor	\$1,300,000	\$255,000	\$1,555,000	\$285,000	\$1,840,000
OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:					
START Contractor	\$250,000	(\$100,000)	\$150,000	\$0	\$150,000
Extramural Subtotal	\$1,550,000	\$155,000	\$1,705,000	\$285,000	\$1,990,000
Extramural Contingency 10%	\$155,000	(\$155,000)	\$0	\$0	\$0
TOTAL REMOVAL ACTION CEILING	\$1,705,000	\$0	\$1,705,000	\$285,000	\$1,990,000

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

Delayed action will increase public health risks due to the potential contact threat posed by the asbestos at the Site. The absence of additional funding for the removal action described herein will cause Site conditions to remain unaddressed, and the presence of hazardous substances will continue to pose a threat to human health and the environment.

VII. OUTSTANDING POLICY ISSUES

This Removal Action is considered nationally significant or precedent-setting because asbestos is the principle contaminant of concern.

VIII. ENFORCEMENT ... For Internal Distribution Only

See attached Confidential Enforcement Strategy.

The total EPA costs for this removal action that will be eligible for cost recovery are estimated to be \$1,990,000 (extramural costs) + \$150,000 (EPA intramural costs) = \$2,140,000 X 1.4357 (regional indirect rate) = **\$3,072,398**¹.

IX. RECOMMENDATION

¹Direct Costs include direct extramural costs \$1,990,000 and direct intramural costs \$150,000. Indirect costs are calculated by using regional indirect rate in effect at time cost estimate is prepared, and is expressed as a percentage of the direct costs 43.57 % x \$2,140,000, consistent with EPA's full cost accounting methodology effective September 28, 2017. 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.

Site conditions continue to meet the NCP section 300.415(b) criteria for a removal, I recommend your approval of the proposed ceiling increase of \$285,000. The total extramural project ceiling, if approved will be \$1,990,000.

APPROVAL: _____


DATE: 7/12/19

DISAPPROVAL: _____

DATE: _____

SITE ATTACHED BUILDING IDENTIFICATION MAP

STENTON TRUST MILL SITE - SANFORD, ME BUILDING IDENTIFICATION MAP

