



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: June 27, 2005

SUBJ: Request for a Removal Action at the Camden Yarns Site,
Lewiston, Androscoggin County, Maine - **Action Memorandum**

FROM: Wing Chau, On-Scene Coordinator *W.C.*
Emergency Response and Removal Section II

THRU: Steven R. Novick, Chief *SN*
Emergency Response and Removal Section II

Arthur V. Johnson III, Chief *AVJ*
Emergency Planning & Response Branch

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 Camden Yarns Site, (the Site), which is located at 1 Beech Street in Lewiston, Androscoggin County, Maine. Hazardous substances present in surficial soils 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# : MER000501288
SITE ID# : 01CU
CATEGORY : Time Critical

A. Site Description

1. Removal site evaluation

The Site was purchased by Miller Industries, Inc., (Miller) in 1939. Miller conducted textile manufacturing operations at the Site until 1992, at which time the mill ceased operations. The mill is currently used by Miller for storage.

During the process of certifying hazardous waste generator closure at properties owned by Miller, the Maine Department of Environmental Protection (ME DEP) identified several properties with potential contamination issues. At the request of ME DEP, EPA initiated a preliminary assessment and site investigation (PA/SI) at this Site.

On August 28, 2003, EPA initiated the PA/SI. EPA, ME DEP, EPA's Superfund Technical Assistance Response Team (START) contractor, and Miller's environmental consultant, Sevee & Maher Engineering, Inc. (SMEI), met on site to conduct a walk-through of the Site. On September 18, 2003, EPA and START mobilized to the Site to conduct sampling activities. EPA collected 9 surface soil samples, 1 interior soil sample from the basement of the building, and 3 dye vat samples from pits within the building for analysis. The samples were analyzed for volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), pesticide/polychlorinated biphenyls (PCBs), and Target Analyte List (TAL) metals. Analytical results for these samples indicated the presence of elevated concentrations of lead in the surficial soils.

On May 20, 2004, EPA and START mobilized to the Site to conduct additional sampling activities to further characterize the extent of contamination. START established a 10-foot grid system consisting of 3 north/south transects, and 16 east/west transects. START collected 48 surface soil samples from this grid system for lead analysis. Analytical results confirmed the presence of elevated levels of lead at the other sampling locations. Lead concentrations within the surficial soils have been detected as high as 3420 mg/Kg.

The site investigation was closed on September 21, 2004 with the recommendation that a time critical removal action be conducted. Miller and SMEI requested the opportunity to develop a work plan for the investigation of the extent of lead contamination. With the winter of 2004 approaching, it was agreed that sampling activities should commence in the spring of 2005, given that site conditions would not be amenable to sampling and the snow cover would minimize the contact threat. On April 19, 2005, SMEI submitted a sampling work plan to EPA for review and commenting. SMEI subsequently incorporated EPA's comments and is anticipating the commencement of their sampling activities during the week of July 11, 2005.

2. Physical location

The Site is located at 1 Beech Street in Lewiston, Androscoggin County, Maine. The geographic coordinates of the Site are latitude 44° 05' 34" north and longitude 70° 13' 19" west, as measured from the approximate center of the Site. The Site is further identified as Lot 9 on Town Map 208. The Site is bordered to the north by Beech Street and a public park, to the west by the Androscoggin River, and to the south and east by industrial and commercial properties.

3. Site characteristics

The Site consists of an approximate 2.5-acre lot with a 2-story mill building, a paved parking area and grassed areas along the western and southern sides of the building. Access to the property is restricted by a chain-link fence. The mill building is a brick and concrete-block structure with a partially finished basement. There are three dye vat pits located on the first floor of the building. The facility is inactive and is currently used for storage. The Site is within close proximity to a public park and abuts the Androscoggin River.

According to the EPA Region 1 Environmental Justice Mapping Tool, the Site is in a low income environmental justice area.

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

Hazardous substances which have been released or pose a threat of release include the following:

- Lead

Sampling conducted by EPA has documented the presence of lead in surface soils up to 3420 mg/Kg. The State Remedial Action Guidelines¹ for lead are 375mg/Kg, 700 mg/Kg, and 700 mg/Kg for Residential Guideline, Trespasser Guideline, and Adult Worker Guideline, respectively.

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

EPA has not conducted previous removal actions at the Site.

¹Maine Department of Environmental Protection's Remedial Action Guidelines for Contaminated Soils, Table 4 May 20, 1997.

2. Current actions

Under the direction of the environmental consultant for Miller, approximately 15-20 drums of hazardous material generated from the cleanup of the dye vats had been removed from the Site for disposal. On April 19, 2005, SMEI submitted a sampling work plan to EPA for review and commenting. SMEI subsequently incorporated EPA's comments and is anticipating the commencement of their sampling activities during the week of July 11, 2005.

C. State and Local Authorities' Roles

1. State and local actions to date

The Maine Department of Environmental Protection has requested EPA's assistance in evaluating this Site and other sites owned by Miller Industries. ME DEP has conducted initial site-walks at these sites with EPA.

2. Potential for continued State/local response

ME DEP will provide state ARARs and continue to provide technical support.

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)];

Lead in the surface soils pose a direct contact threat to those who may enter the Site. The Site is adjacent to a public park.

Actual or potential contamination of drinking water supplies or sensitive ecosystems [§300.415(b)(2)(ii)];

The Androscoggin River abuts the west side of the property. Adverse weather conditions could possibly extend the migration of lead contamination.

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)];

EPA sampling has documented elevated levels of lead in the surficial soils.

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

Heavy rainfalls could potentially cause further migration of lead contaminated soils and possibly into the nearby Androscoggin River.

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

ME DEP does not have the resources to address the situation and have requested EPA's assistance in addressing this Site.

Exposure to lead through either ingestion or inhalation can damage the nervous systems, kidneys, and immune systems. Unborn children can be exposed to lead through their mothers. Harmful effects to children include premature births, smaller babies, decreased mental ability, learning difficulties, and reduced growth in young children. In adults, exposure to lead may possibly affect the memory. Lead exposure may cause abortion and damage the male reproductive system. Certain forms of lead have been determined to cause cancer in laboratory animals.²

B. Threats to the Environment

Actual or potential contamination of drinking water supplies or sensitive ecosystems; [§300.415(b)(2)(ii)];

The Androscoggin River abuts the west side of the property. Adverse weather conditions could potentially cause the lead contamination to further migrate into the river.

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)];

EPA sampling has documented elevated levels of lead in the surficial soils.

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

Heavy rainfalls could potentially cause further migration of lead contaminated soils and possibly into the nearby Androscoggin River.

IV. ENDANGERMENT DETERMINATION

²Agency for Toxic Substances and Disease Registry (ATSDR), U.S. Department of Health and Human Services, Public Health Service, *Toxicological Profile for Lead*, 1993.

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

EPA is currently working with the potentially responsible parties (PRPs) to address the lead contamination. However, if the PRP is unable to conduct the response actions, EPA will conduct this removal action as a fund-lead action. The proposed actions will protect public health, welfare, and the environment by removing the hazardous substances and contaminated surface soils from the Site. Removal activities will include: 1) Conducting a site-walk with EPA contractors; 2) Conduct additional sampling to further characterize the extent of contamination; 3) Excavation and off-site disposal of lead-contaminated soils at EPA-approved disposal facilities; 4) Capping in-place of contaminated soils (if any) which may remain at depth or which cannot otherwise be excavated; 5) Backfilling of excavated areas with clean fill material; and 6) Conducting site restoration activities.

2. Community relations

EPA will remain involved with the local community throughout the removal action via press releases, fact sheets, and public meetings, as needed.

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 with regard to disposal options will be further examined as the site work progresses. On-site field screening and analytical techniques will be utilized during the removal action.

³In 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.

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)

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 removal action is anticipated to be complete within six months of its commencement.

B. Estimated Costs

COST CATEGORY		CEILING
REGIONAL REMOVAL ALLOWANCE COSTS		
ERRS ⁴ Contractor		\$300,000.00
OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE		
START Contractor		\$70,000.00
Extramural Subtotal		\$370,000.00
Extramural Contingency	20%	\$74,000.00
TOTAL, REMOVAL ACTION CEILING		\$444,000.00

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

In the absence of the response action described herein, conditions at the Site can be expected to continue to deteriorate, and the threats associated with the presence of hazardous substances will persist.

VII. OUTSTANDING POLICY ISSUES

There are 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 \$444,000 (extramural costs) + \$100,000 (EPA intramural costs) = \$544,000 X 1.3151 (regional indirect rate) = **\$715,414⁵**.

⁴ Emergency Rapid Response Services

⁵ Direct Costs include direct extramural costs \$444,000 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 [31.51% x \$544,000, 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.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Camden Yarns Site in Lewiston, Maine, 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)];

Actual or potential contamination of drinking water supplies or sensitive ecosystems [§300.415(b)(2)(ii)];

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)];

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 \$444,000. Of this total, no more than \$374,000 comes from the Regional removal allowance.

APPROVAL: Susan Studier

DATE: 06/28/05

DISAPPROVAL: _____

DATE: _____