





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

DATE: August 28, 2019

SUBJ: Site Investigation Closure Memorandum
Lavoie Property Site
640 Hillside Avenue
Berlin, NH 03570

FROM: Thomas C. Condon, On-Scene Coordinator 
Emergency Response and Removal Section I, EPRB, SEMD

THRU: Edward J. Bzenas, Chief 
Emergency Response and Removal Section I, EPRB, SEMD

TO: Brennan Property Site File

In accordance with section 300.410 of the National Contingency Plan (NCP), a Removal Site Evaluation, consisting of a Preliminary Assessment (PA), has been undertaken at the Lavoie Property Site ("Site") in Berlin, New Hampshire. 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 information available in EPA's Site file including analytical data from prior investigations contained in the following report:
 - *Phase II Environmental Site Assessment – Lavoie Property Hillside Avenue Lots 127-13, 127-14 and 127-15 Berlin New Hampshire*
 - ii. The Site Investigation conducted on June 17 and 18, 2019.
 - iii. Laboratory reports from EPA's New England Regional Laboratory,

containing analytical data for samples collected during the Site Investigation.

- 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.

<u>Hazardous Substances or Pollutants or Contaminants</u>	<u>Media</u>
Polychlorinated Biphenyls	Soil
Lead	Soil

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__X__

- b. Endangerment to the ecosystem:

Threat_____ No Threat_____ Evaluation Not Necessary__X__

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 § 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 presence of the conditions specified in Section 4.a., above, indicate that a Removal Action under section 300.415 of the NCP is necessary.

At the request of NH DES, EPA and EPA's START contractor conducted a Preliminary assessment and Site Investigation at the property on June 17 and 18, 2019. Soil samples were collected and analyzed for metals and PCBs. Data generated during the PA/SI indicated that surface soil at the site was contaminated with lead and PCBs at concentrations exceeding both EPA Removal Management Levels (RMLs) and NHDES Soil Remediation Standards.

On August 28, 2019, a site review meeting was held to discuss the findings. Attendees included: Carol Tucker, Ted Bzenas, Bill Lovely, Michelle Lauterback, Kim Tisa, Darriel Swatts, Tina Hennessy and Tom Condon. The OSC recommended that a time-critical removal action be taken to address the threat posed by the lead and POCB contaminated soil at the Site. The project team supported the OSC's recommendation and approved moving forward with an Action Memorandum to request a time-critical removal action at the Site.

- 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__X__ 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.

(x) 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.

6. A Site Review meeting was held on August 28, 2019. In attendance were representatives of SEMD management, and the Site Case Team. The OSC proposed to conduct a removal action consisting of the removal of PCB contaminated soil from a specific defined area of the site. All in attendance concurred with the proposed action.

cc: Edward Bzenas, Chief, Emergency Response and Removal Section I, SEMD (w/o attachments)

Patti Ludwig, SEMD (w/o attachments)

Carol Tucker, Chief, Emergency Planning and Response Branch, SEMD (w/o attachments)

Tina Hennessy, Enforcement Coordinator (w/o attachments)

Kimberly Tisa, PCB Coordinator (w/o attachments)

Michelle Lauterback, Senior Enforcement Counsel (w/o attachments)

Attachments: Preliminary Assessment/Site Investigation Report