



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE – SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

MEMORANDUM

DATE: June 23, 2022

SUBJ: Request for a Removal Action at the Roger's Fabricare Site, Windsor, Windsor County, VT - **Action Memorandum**

FROM: Nico James, On-Scene Coordinator *NJ*
Alex Sherrin, On-Scene Coordinator
Emergency Response and Removal Section I

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

Carol Tucker, Chief
Emergency Planning & Response Branch

TO: Bryan Olson, Director
Superfund and Emergency Management Division

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed removal action at the Roger's Fabricare Site. The Site is comprised of the source property located at 7 Maple Street in Windsor, Windsor County, VT, and impacted abutting properties. Significant portions of the building on-site are no longer intact, and the structure is currently condemned by order of the Assistant State Fire Marshal. Hazardous substances present in the building and sub-slab structures, including polychlorinated biphenyls (PCBs) and asbestos, and in the soil and soil gas under the building, including tetrachloroethylene (a.k.a. perchloroethylene or PCE), will continue to pose a threat to human health and the environment if not addressed by implementing the response actions selected in this Action Memorandum. There are no nationally significant or precedent-setting issues associated with this Site, and there has been no use of the On-Scene Coordinator's (OSC's) \$200,000 warrant authority.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID: VTD083406249
SITE ID: 01QN
CATEGORY: Time-Critical

A. Site Description

1. Removal site evaluation

In the early 1900s, the source property housed the South Windsor Primary School and in the early 1920s, it became a privately owned steam laundry facility. Dry-cleaning operations began in the 1940s and continued under various owners and operators until 2018, when the Roger's Fabricare dry-cleaner closed. Historical research, records of hazardous waste manifests, and an interview with a previous owner of the property indicate that PCE was used in the dry-cleaning process for many years.

The source property has remained vacant since 2018. A partial roof collapse of the back portion of the building occurred in 2019 and access into the rear of the building was prohibited by order of the Assistant State Fire Marshal. In April 2022, the Assistant State Fire Marshall determined that the structural integrity of the building had further deteriorated, and ordered the entire structure condemned. "Do Not Enter" signs have been posted on the building. No fence has been built around the property as of June 2022.

On May 1, 2020, the Vermont Department of Environmental Conservation (VTDEC) requested EPA Region 1's assistance to address a suspected release of chlorinated solvents to soil and soil gas originating from the source property. From September 2020 through March 2021, EPA conducted a preliminary assessment and site investigation (PA/SI) and found containers of PCE product inside the building; elevated levels of PCE in the soil gas under the building; elevated levels of PCE in indoor air in adjacent residences; and asbestos in the building materials. During the PA/SI, the Assistant State Fire Marshal and Town of Windsor Fire Chief noted evidence of people accessing and removing materials from inside the building.

Based on the PA/SI results the Site Team determined that a removal action was warranted to remove the PCE containers and, that to address the subsurface release of PCE, the building would first need to be demolished and the debris removed. In consultation with the state and town, it was decided EPA's removal action would address the PCE in containers. The Town of Windsor would then address the building demolition, and that a subsequent EPA action to mitigate vapor intrusion issues would be authorized in a future Action Memorandum. The January 2021 Action Memorandum reflects this decision.

In May and June 2021, EPA's Emergency Planning and Response Branch conducted a removal action removing two drums containing PCE product and 975 pounds of PCE product from a dry-cleaning machine. VTDEC contributed to the action by sampling the indoor air of nearby residences and addressing their potential vapor intrusion issues.

The town volunteered to demolish the building due to the threat of collapse posed by the failing structure to the adjacent residents and to the general public. In 2021, the town commissioned a hazardous materials survey of the building as part of a Brownfields grant. This survey was conducted in August of 2021 and revealed the presence of PCBs (aroclor 1254) up to 800 parts per million (ppm) in paint on the walls and chrysotile asbestos in 10,200 square feet of the building structural materials. The cost to demolish and removing the building was estimated at \$400,000 which exceeded the budget. The State of Vermont subsequently requested that EPA add demolition and removal of the building debris to the State's May 2020 request of investigating and addressing vapor intrusion issues. EPA agreed to accept the request.

2. Physical location

The Site is defined as the point of release and other places where hazardous substances have come to be located. The Site includes a former drycleaner (the point of release or source property) and the potentially impacted abutting residences where contamination has migrated. The source property is located at 7 Maple Street in Windsor, Windsor County, VT, 05089 and is identified by the Town of Windsor's Assessor as Parcel ID No. 570007.000 and by a deed recorded in the Windsor Registry of Deeds in Book 196 on Page 798. The geographical coordinates for the approximate center of the source property are 43°28'28.4" north latitude and 72°23'24.4" west longitude.

3. Site characteristics

The 0.17-acre source property is flat except at the rear which rises sharply to the adjacent property to the south. The building is a 5,361-square-foot, slab-on-grade, two-story wooden structure composed of several additions. The building and property are currently vacant, and access is unrestricted. The source property is bordered to the north by Maple Street and a former industrial area now housing a museum, and to the south, east, and west by residential properties. The closest residences are the adjacent properties to the east and west which are approximately 15 feet from the building.

The Site is located in a densely populated residential neighborhood. Within a half mile radius of the Site, the daytime population is approximately 3,075 and the sensitive receptors include multiple residences and: the American Precision Museum (172 ft) listed in the National Register of Historic Places (Ref # 66000796), the Town Of Windsor Water Treatment Plant (1,000 ft), the Cornish State Wildlife Management Area (1,900 ft), Windsor High School (2,200 ft), Windsor Early Childhood Education Center (700 ft), a preschool (2,000 ft), a public field (1,100 ft), the Windsor Recreation Department (1,000 ft), Mill Pond swimming area (1,500 ft), a church rectory (800 ft), the Old South Church (1,400 ft), St. Paul's Episcopal Church (2,000 ft), a public library (2,000 ft), two gas

stations (800 ft), 2 banks (800 ft), a nursing home (2,000 ft) a tributary of the Connecticut River (200 ft), 5 restaurants (approximately (2,000 ft) and the Connecticut River (1,200 ft).

Based on information in EPA's EJSCREEN environmental justice screening tool, zero out of eleven Environmental Justice Indexes for the area within a one-mile radius of the Site exceed the 80th percentile on a national basis.

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

During the PA/SI in September 2020, START personnel collected product samples from machinery and containers inside the source property building for VOC analysis. The analytical results identified the product to be PCE. START also collected samples from other media, for which results are presented below. The results of the August 2021 pre-demolition universal waste report in the building are also presented.

Indoor Air Sampling – Volatile Organic Compounds

In February 2021, VTDEC conducted indoor air sampling at the adjacent residences. The analytical results showed that PCE was detected on the first floor and basement at levels exceeding the VT Department of Health Air Screening Levels (ASLs) for residential properties. The PCE results for one residence also exceeded the EPA VISL ($HQ=1/ELCR=10^{-6}$) in the crawlspace and basement. The results of the outdoor ambient air sample exceeded the EPA VISL ($HQ=3/ELCR=10^{-4}$).

Soil Gas Sampling - VOCs

EPA collected soil gas samples in 6-Liter SUMMA canisters from locations around the perimeter of the building and from under the slab. The analyses indicate the following maximum results.

SAMPLE LOCATION: SAMPLE NUMBER: LABORATORY SAMPLE NUMBER:			SG-02S 0035-0027 AB87911	SG-07S 0035-0033 AB87912	SG-15S 0035-0043 AB87913
COMPOUND	VT DEC VT DEC VIS SsSG	EPA Commercial Soil Gas VISLs			
VOLATILE ORGANIC COMPOUNDS (VOCs) $\mu\text{g}/\text{m}^3$			$\mu\text{g}/\text{m}^3$		
Trichloroethylene	4.8	876	ND	ND	1,600
cis-1,2-Dichloroethylene	NL	NL	ND	ND	2,300
Tetrachloroethylene	110	17,500	4,000	18,000	31,000

Results shaded in yellow exceeded the VT DEC VIS SsSG. Results shaded in red exceeded the EPA Commercial Soil Gas VISLs.

These results exceed the EPA Vapor Intrusion Screening Levels (VISLs) for PCE and TCE in soil gas, indicating the potential threat these contaminants pose for vapor intrusion into nearby buildings. A Figure highlighting the soil gas sampling results is attached.

Building Debris - Asbestos

During the PA/SI, samples of suspected asbestos containing materials (ACM) were collected from the boiler room and from the ground on the perimeter of the Site. The results, summarized below, indicate that chrysotile asbestos was identified in six of the seven samples.

SAMPLE LOCATION	ACM-01	ACM-02	ACM-03	ACM-04	ACM-05	ACM-06	ACM-07
SAMPLE NUMBER	0035-0009	0035-0010	0035-0011	0035-0012	0035-0013	0035-0014	0035-0015
LABORATORY NUMBER	AB87897	AB87898	AB87899	AB87900	AB87901	AB87902	AB87903
DATE SAMPLED	9/15/2020	9/15/2020	9/15/2020	9/15/2020	9/15/2020	9/15/2020	9/15/2020
COMPOUND							
Chrysotile	10	1	TRACE	1	ND	1	10

All results in %

Asbestos samples were also collected during the pre-demolition hazardous materials assessment conducted for the Town by Clay Point Associates. These samples were then analyzed by Optimum Analytical and Consulting and the results are presented below.

Vinyl Floor Tile, 9" x 9", brown	5% chrysotile
Hardboard	35% chrysotile
Insulation Paper	75% chrysotile
Hardboard Siding Shingles	35% chrysotile
Rolled Roofing Material, grey	8% chrysotile
Built-up Roofing Material w/silver roof coating	8% chrysotile

Building Material – PCBs

The building material was also sampled for the presence of PCBs. The table below indicates that PCB Aroclor-1254 was detected at a maximum concentration of 800 milligram per kilogram (mg/kg) in paint, which is above the Removal Management Level (RML) -3.5 mg/kg for residential soil and above the ≤ 1 ppm TSCA clean up level for bulk PCB remediation in high occupancy areas according to 40 C.F.R. §761.61(a)(4)(i)(B)(1).

Table of PCBs in Building Materials

Sample Location	Total PCB (mg/kg)	Building Material
15534-PCB01	0.80	Exterior paint, white
15534-PCB07	1.1	Paint, light blue
15534-PCB08	800	Paint, dark green
15534-PCB09	6.1	Paint, light green/ red

The results above are presented in the following reports:

Weston Solutions Inc. *Removal Program Preliminary Assessment/Site Investigation Report for the Roger's Fabricare Site, Windsor, Windsor County, Vermont 7 August and 15 through 17 September 2020*, dated January 2021.

Clay Point Assoc. Inc. Re: *Inspection for Asbestos Containing Materials J.B Fabricare Dry Cleaning, 7 Maple Street, Windsor, Vermont CPAI Project #15534*, dated September 9, 2020.

Clay Point Assoc Inc. *Initial Screening for Polychlorinated Biphenyls (PCBs) in Building Materials Former J.B Fabricare Dry Cleaning, 7 Maple Street, Windsor, Vermont CPAI Project #15534*, dated September 9, 2020.

5. NPL status

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

6. Maps, pictures and other graphic representations

The attached Figure provides a map of the Roger's Fabricare building (the source property), showing the sample locations and results.

B. Other Actions to Date

1. Previous actions

In January of 2020, the town contacted the VTDEC to establish an involuntary acquisition agreement to foreclose on the Source Property.

A Phase I Environmental Site Assessment (ESA) was completed and provided to VTDEC. The ESA documented the historic use of the source property. However, it did not include environmental sampling as there was a partial roof collapse and access into the building was not permitted at the time by order of the Assistant State Fire Marshal.

Weston & Sampson, a contractor for the town, conducted a Phase I ESA and issued a report dated March 9, 2020. The ESA documented the history and condition of the structure but did not conduct sampling.

On July 7, 2020, EPA was notified by VTDEC's Brownfields program that in May 2020 the town had submitted a "Hazardous Waste Contamination and Cleanup Form: Exemption from Liability" application and was going to acquire the Source Property involuntarily; the town took ownership on July 8, 2020.

The EPA PA/SI was conducted from September 2020 through March 2021, as described above. A removal action targeting the removal and disposal of PCE product was completed in June 2021.

After the removal action was completed, the Town planned to demolish and remove the building due to the safety threat posed by the failing structure to the community. In August 2021, with funding provided by the EPA Region 1 Brownfields Office through the Mount Ascutney Regional Commission, the town hired Clay Point Associates, Inc. to conduct a pre-demolition hazardous materials survey in the structurally sound and accessible portions of the building. This survey identified elevated levels of asbestos and PCBs.

In April 2022, the town ordered its contractor to complete the Hazardous Materials Survey in portions of the building still safe to enter. However, the Fire Marshall condemned the building, and the survey was not conducted.

2. Current actions

The source property is currently inactive and access to the building is restricted by order of the Assistant State Fire Marshal. However, there is evidence that trespassers have been inside the structure to remove equipment and materials. A neighbor reported observing "squatters" accessing the building from the back in the vicinity of the partial roof collapse; the parcel is not enclosed by fencing and there are no barriers between the it and adjacent properties.

C. State and Local Authorities' Roles

1. State and local actions to date

In January 2020, the town contacted VTDEC to establish an involuntary acquisition agreement to foreclose on the source property. Weston & Sampson conducted an ESA Phase I and issued a report on behalf of the Town of Windsor in March of 2020. The formal tax sale of this property occurred on July 9, 2020.

In a letter dated May 1, 2020, the Director of the VTDEC Waste Management & Prevention Division, requested assistance from EPA Region 1's Emergency Planning and Response Branch to investigate the historical use of the source property and the potential presence of PCE and TCE in soils and indoor air. The letter stated that the VTDEC does not have sufficient resources to conduct removal actions for this suspected release.

VTDEC personnel attended the initial Site walk of the source property and were present throughout sampling during EPA's PA/SI. Additionally, VTDEC identified and coordinated the assistance of a structural engineer to evaluate the building's condition to ensure EPA and START could safely enter to collect samples. State and local fire officials were on Site to provide safety oversight during the PA/SI and provide historical information concerning the source property. Town and Mount Ascutney Regional Commission (MARC) representatives met with the previous owner to discuss the access agreement and gather historical use information regarding Site operations.

2. Potential for continued State/local response

Based on the exigencies of the situation, neither the state nor the town has the resources to respond to the Site in a timely manner. The town will also provide some traffic and security during future construction activity at the site. They will also supply water for dust control and work with the nearby community to help provide outreach.

VTDEC is also working with the adjacent residents to monitor and minimize vapor intrusion of PCE and TCE into their homes. In early 2022, VTDEC's corrective action plan was approved for one of the abutting residences and includes installing a sub-slab depressurization and vapor barrier system in mid-July of 2022.

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

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.

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 contaminants of potential concern at the Site include PCE, PCBs, and asbestos. Indoor air sampling analytical results from VTDEC in adjacent residences indicate that concentrations of PCE exceed the Vermont Department of Health's Air Screening Levels and EPA's VISL $HQ=1/ELCR=10^{-6}$. In addition, the outside ambient air concentration of PCE exceeded EPA's indoor air VISL at $HQ=3/ELCR=10^{-4}$.

Investigations conducted under the EPA Brownfields program found that PCB concentrations in the building materials on the source property exceed the <1 ppm TSCA standard, EPA RML of 3.5 mg/kg for residential soil, and 44 mg/kg for industrial soil. While not directly applicable to soil standards, PCBs may become incorporated into the soil when paint chips are released to the ground. Trespassers may inhale or ingest PCB dust resulting from the failing building materials on site.

Asbestos containing materials are present on the source property. Asbestos concentrations in building material debris found on the ground on the source property contain levels of chrysotile asbestos that exceed thresholds for a NESHAP Category I material defined as, "asbestos containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos." Trespassers may inhale friable asbestos resulting from the failing building materials.

No fencing is present to prevent access to the source property. State and town fire officials identified evidence of trespassers accessing the building and removing materials, creating potential public exposure through incidental contact with the contaminants found in the building and during ingestion or inhalation of contaminated soils.

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's soil gas sampling results detected concentrations of PCE and TCE that exceed the EPA's soil gas VISLs indicating the potential for these contaminants to enter buildings via soil vapor intrusion at levels that may present a health threat. Indoor air sampling at adjacent residences indicates that PCE and TCE are migrating through soil vapor intrusion into the homes resulting in potential residents' exposure to these contaminants.

ACM was found on the ground around the perimeter of the source property and, if not addressed, may become airborne and migrate toward adjacent residential and commercial properties.

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

The source property building is in a state of partial collapse and will continue to deteriorate with exposure to the elements. PCBs and ACMs in the building materials are exposed to the elements and during high winds will likely migrate onto nearby residential properties resulting in exposure to trespassers and persons in the surrounding neighborhood.

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

Neither VTDEC nor the town have the resources to undertake the proposed removal action at the Site. No other federal or state mechanism exists to respond to the release. Due to the lack of available resources, VTDEC requested EPA assistance with the investigation and potential removal activities in a letter dated May 1, 2020.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances or pollutants or contaminants 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, welfare, or the environment. In accordance with OSWER Directive 9360.0-34 (August 19, 1993), an endangerment determination is made based on an appropriate Superfund policy or guidance, which is outlined and discussed in Section III above. To obtain action levels for the Site, EPA relied on the:

- Vapor Intrusion Screening Levels published by EPA at https://epa-visl.ornl.gov/cgi-bin/visl_search.
- Removal Management Levels published by EPA at <https://www.epa.gov/risk/regional-removal-management-levels-chemicals-rmls>.
- EPA Asbestos-Containing Materials and Demolition guidance at <https://www.epa.gov/large-scale-residential-demolition/asbestos-containing-materials-acm-and-demolition>

Tetrachloroethylene (PCE) – PCE is a hazardous substance as defined by Section 101(14) of CERCLA, 42 U.S.C. 9601(14). The Agency for Toxic Substances and Disease Registry “Tetrachloroethylene – ToxFAQs” information sheet states: “Breathing high levels of tetrachloroethylene for a brief period may cause dizziness or drowsiness, headache, and incoordination; higher levels may cause unconsciousness and even death. Exposure for longer periods to low levels of tetrachloroethylene may cause changes in mood, memory, attention, reaction time, and vision. Studies in animals exposed to tetrachloroethylene have shown liver and kidney effects, and changes in brain chemistry.”

According to the *Toxicological Profile for Tetrachloroethylene* published by the U.S. Department of Health and Human Services (DHHS) and the Agency for Toxic Substances and Disease Registry (ATSDR), “Tetrachloroethylene is reasonably anticipated to be a human carcinogen”¹ and “EPA considers tetrachloroethylene likely to be carcinogenic to humans by all routes of exposure. Studies in humans suggest that exposure to tetrachloroethylene might lead to a higher risk of getting bladder cancer, multiple myeloma, or non-Hodgkin’s lymphoma”¹ DHHS considers tetrachloroethylene to be reasonably anticipated to be a human carcinogen. EPA considers tetrachloroethylene likely to be carcinogenic to humans by all routes of exposure. The International Agency for Research on Cancer considers tetrachloroethylene as “probably carcinogenic to humans.”¹

¹Agency for Toxic Substances and Disease Registry (ATSDR), 2000. *Toxicological Profile for Perchloroethylene*. ATSDR Division of Toxicology and Human Health Sciences, Atlanta, GA, June 2019.

PCBs are hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. §9601(14). According to the *Toxicological Profile for Polychlorinated Biphenyls (PCBs)* published by DHHS and ATSDR, "The most commonly observed health effects in people exposed to large amounts of PCBs are skin conditions such as acne and rashes. Studies in exposed workers have shown changes in blood and urine that may indicate liver damage."² In the same study they also concluded that, "PCBs may reasonably be anticipated to be carcinogens. PCBs have been classified as probably carcinogenic, and carcinogenic to humans (group 1) by the Environmental Protection Agency (EPA) and International Agency for Research on Cancer, respectively."²

Asbestos is a hazardous substance as defined by Section 101(14) of CERCLA, 42 U.S.C. §9601(14) and 40 C.F.R. § 302.4. ATSDR "Asbestos – ToxFAQs"³ information sheet states: "Asbestos fibers may be released into the air by the disturbance of asbestos-containing material during product use, demolition work, building or home maintenance, repair, and remodeling. In general, exposure may occur only when the asbestos-containing material is disturbed in some way to release particles and fibers into the air." "Asbestos mainly affects the lungs and the membrane that surrounds the lungs. Breathing high levels of asbestos fibers for a long time may result in scar-like tissue in the lungs and in the pleural membrane (lining) that surrounds the lung. This disease is called asbestosis and is usually found in workers exposed to asbestos, but not in the general public. People with asbestosis have difficulty breathing, often a cough, and in severe cases heart enlargement. Asbestosis is a serious disease and can eventually lead to disability and death.

Breathing lower levels of asbestos may result in changes called plaques in the pleural membranes. Pleural plaques can occur in workers and sometimes in people living in areas with high environmental levels of asbestos. Effects on breathing from pleural plaques alone are not usually serious, but higher exposure can lead to a thickening of the pleural membrane that may restrict breathing.

DHHS, the World Health Organization, and the EPA have determined that asbestos is a human carcinogen.

²Agency for Toxic Substances and Disease Registry (ATSDR). *Toxicological Profile for Polychlorinated Biphenyls (PCBs)*. ATSDR Division of Toxicology and Human Health Sciences, Atlanta, GA, July 2014.

³Agency for Toxic Substances and Disease Registry (ATSDR), U.S. Department of Health and Human Services, Public Health Service, *Tox FAQs Fact Sheet for Asbestos*, September 2001

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The actions required to mitigate the threats outlined herein are given below. The proposed actions will protect public health, welfare, and the environment by removing the hazardous substances from the accessible areas of the Site. As outlined below, the proposed action will involve the demolition of the condemned building, abatement of ACMs and PCB-containing material, excavation of impacted soil, and transportation and disposal of contaminated materials at an EPA approved off-site facility. This will be followed by assessment and mitigation of the chlorinated volatile organic compounds subsurface contamination. It is expected that the specific removal activities will include the following:

- Conducting a Site reconnaissance walk with EPA's cleanup contractor and developing a work plan;
- Developing and implementing a health and safety plan;
- Preparing and implementing an air monitoring plan to protect workers and the public;
- Engineering controls for fugitive dust management based on air monitoring;
- Installing security fencing;
- Providing site security as determined necessary by the OSC based on Site conditions;
- Delineating work zones and decontamination area;
- Clearing vegetation along with, if required, general solid waste and debris to access hazardous wastes and hazardous substances;
- Demolishing the building in a controlled manner to prevent dust and asbestos fibres migrating as described above;
- Sorting the demolition debris into separate waste streams for appropriate disposal for ACM and PCB-containing material;
- Conducting post-demolition sampling and analysis of surface soils and other media as determined necessary by the OSC. Based upon availability, EPA's mobile laboratory may be used for clearance purposes, with confirmation samples sent to the New England Regional Laboratory for analyses.
- Assessing the subsurface PCE contamination contributing to vapor intrusion in the area;
- Mitigating the source PCE contamination via excavation or in-situ treatment technologies;
- Performing any necessary additional sampling, analysis and characterization of hazardous materials once safe to do so;
- Coordinating disposal of hazardous wastes and hazardous substances at an EPA-

- approved disposal facility;
- Assessing, characterizing, and addressing any additional hazardous wastes and hazardous substances discovered during the course of this action that meet removal criteria for this action, as funding permits;
- Repairing response-related damage: the demolished building will not be replaced but the source property will be backfilled to grade and seeded.;
- Demobilizing all equipment and personnel; and
- Referring the Site back to the EPA Brownfields Program, VTDEC, and the town of Windsor for post-Removal Site Controls.

2. Community relations

EPA has been meeting monthly with the VTDEC and the town to discuss the project. EPA will remain involved with the local community over the course of the removal action through press releases, fact sheets, and public meetings, as necessary. The OSC will receive assistance from the EPA Community Involvement Coordinator to assist with all public relations activities. EPA will work closely with the state, town, government, local businesses, and the community.

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 would be consistent with and will not impede any future responses.

4. Description of innovative technologies and sustainable approaches

In accordance with the December 23, 2013, Memorandum, updated August 2, 2016, issued by Office of Land and Emergency Management as well as the Region 1 Clean and Greener Policy for Contaminated Sites, greener cleanup practices should be 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. Alternative technologies and sustainable approaches will be considered and incorporated, as appropriate, throughout the implementation of the removal action.

Specifically, these include:

- Completing a high-resolution site characterization strategy, which uses high density data sets to define the extent of contamination and minimize excavations;
- Using real-time field measurements to adjust cleanup activities and minimize excavation of uncontaminated soil;

- Reclaiming and stockpiling uncontaminated soil for use as fill or using onsite or nearby sources of topsoil, to avoid long-distance transport of clean soil. Options may include salvaging organic debris that is uncontaminated and free of pests or disease, for use as supplemental infill, mulch or compost, or onsite manufacturing of topsoil through use of locally sourced industrial byproducts such as compost, loam, or concrete;
- Choosing service providers with local offices, to minimize the distance of worker commutes and machinery transport;
- Selecting equipment and product vendors with nearby production or distribution centers, to minimize delivery-related fuel use;
- Retrieving native, noninvasive plants for later re-planting;
- Implementing an engine idle reduction plan to avoid fuel consumption when machinery is not actively engaged;
- Designating collection points for recycling single-use items such as metal, plastic and glass containers; paper and cardboard; and other consumable items;
- Avoiding removing trees in staging areas or uncontaminated zones; and
- Revegetating backfilled areas as quickly as possible through use of a diverse mix of grasses, shrubs, and trees supporting many habitat types such as:
 - species that promote colonization of bees and other pollinators;
 - planting native rather than non-native species, which typically increases the rate of plant survival and minimizes the need for irrigation and soil or plant inputs; and
 - choosing grass species requiring little or no mowing.

Lastly, contractors will meet or exceed green remediation-related contracting requirements under the regional Emergency Removal Response Services contract (EP-S1-16-01) which will be documented in the reports of work, including the monthly progress report and annual reporting.

5. Applicable or relevant and appropriate requirements (ARARs)

Federal ARARs:

Clean Air Act, 40 C.F.R. Part 61; 42 U.S.C. Section 121(b)(1): National Emission Standards for controlling dust. The regulations establish emissions standards for 189 hazardous air pollutants. Standards set for dust and release sources. If the removal action involves consolidation of any materials that could release hazardous air pollutants, like asbestos or ACM, then measures will be implemented to meet these standards.

Clean Air Act, National Emission Standards for Hazardous Air Pollutants (NESHAPS: 40 C.F.R. § 61.151): Standards for Inactive waste disposal sites that apply to asbestos mills and manufacturing and fabricating. NESHAPS standards for preventing air releases from inactive asbestos disposal sites, including cover standards, dust suppression, and land use controls. Asbestos contaminated materials will be consolidated and shipped off-site for disposal at EPA-approved facility.

Toxic Substances Control Act (Transport and Disposal of Asbestos Waste), 40 C.F.R. Subpart E, Appendix D: Provides standards for transport and disposal of materials that contain asbestos. Requires proper wetting and containerization. Asbestos will be managed in compliance with these standards.

40 C.F.R. Part 761.61: TSCA requirements for cleanup and disposal of PCBs.

40 C.F.R. 761.61(a): requirements for off-site disposal of bulk PCB remediation wastes and porous and non-porous PCB remediation waste – bulk remediation waste will be managed and disposed of off-site in accordance with these standards.

40 C.F.R. 761.65: Requirements for temporary TSCA regulated waste storage, including design requirements. Proper design considerations will be implemented to ensure that all temporary storage of TSCA-regulated waste satisfies the requirements of the regulations.

40 C.F.R. Section 761.79: TSCA Decontamination standards and procedures for removing PCBs, which are regulated for disposal.

To be Considered: Framework for Investigating Asbestos-Contaminated Superfund Sites, OSWER Directive #9200.0-68 (Sept. 2008): Guidance on investigating and characterizing the potential human exposure from asbestos contamination in outdoor soil at Superfund sites.

Vermont:

40 C.F.R. Parts 260-262 and 264 Resource Conservation and Recovery Act, Subtitle C-Hazardous Waste Identification and Listing Regulations; Generator and Handler Requirements, Closure and Post-Closure - Vermont has been delegated the authority to administer these RCRA standards through its state hazardous waste management regulations (Env. Prot. R. Ch. 7-501 *et seq.*, promulgated under 10 Vt Stat. Ann. § 6601 *et seq.*) Waste generated will be tested to determine whether it exceeds hazardous waste thresholds and, if so, the hazardous waste will be managed on-site and until such time as it is shipped to an EPA-approved off-site disposal location.

Vermont Air Pollution Control Regulations: Env. Prot. R. Ch. 5. Vermont air emissions regulations address air pollution issues: controlling emissions of conventional pollutants and hazardous air pollutants to prevent ambient concentrations from exceeding NAAQS

and Hazard Limiting Values, respectively; minimizing fugitive particulate emissions from material handling and controlling nuisances and odors. These standards will be met during the removal action.

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 that is identified in a timely manner.

6. Project schedule

This time critical removal action is planned to start as soon as possible after the signing of this Action Memorandum and acquisition of funding. EPA anticipates completing this action within twelve months of the Project Start Date.

B. Estimated Costs

COST CATEGORY		CEILING
<i>REGIONAL REMOVAL ALLOWANCE COSTS:</i>		
ERRS Contractor		\$1,600,000.00
Interagency Agreement		\$ 0.00
<i>OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:</i>		
START Contractor		\$200,000.00
Extramural Subtotal		\$1,800,000.00
Extramural Contingency	10%	\$180,000.00
TOTAL, REMOVAL ACTION CEILING		\$1,980,000.00

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

The absence of a response action as detailed above will allow the Site to further deteriorate and will increase environmental and public health risks by the release or threat of release of hazardous substances. Previously, town officials had indicated trespassers appear to be entering the building illegally and removing materials such as scrap metal. Removal of any parts of the building could result in the release of PCE, PCBs, and asbestos creating a public health risk.

VII. OUTSTANDING POLICY ISSUES

There are no precedent-setting policy issues associated with this Site.

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 direct extramural and direct intramural costs multiplied by the regional indirect rate; (\$1,980,000.00 (extramural costs) + \$160,000.00 (EPA direct costs)) = \$2,140,000.00 X 1.4009 (regional indirect rate) = **\$2,997,926.**⁴

⁴ Direct Costs include direct extramural costs \$1,980,000.00 and direct intramural costs \$160,000.00. Indirect costs are calculated by using the regional indirect rate in effect at the time the cost estimate is prepared and is expressed as a percentage of the direct costs, 40.09% (effective February 8, 2022) x \$2,140,000.00, consistent with EPA's full cost accounting methodology. 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.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Roger's Fabricare Site in Windsor, VT, 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)];

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 extramural removal action project ceiling if approved will be \$1,980,000.00.

APPROVAL:_____

DATE:_____

DISAPPROVAL:_____

DATE:_____

