



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: July 07, 2006

SUBJ: Request for a Ceiling Increase, \$2 Million Emergency Exemption, and 12-Month Emergency Exemption for the Removal Action at the Lancashire Street Disposal Area Site, Providence, Providence County, Rhode Island
Action Memorandum Addendum (2)

FROM: Mia C. Pasquerella, On-Scene Coordinator
Emergency Response and Removal Section II *MCP*

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

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

TO: *JS* Susan Studlien, Director *SS*
Office of Site Remediation and Restoration

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of a ceiling increase, \$2 Million Exemption, and 12-Month Exemption for the ongoing Removal Action at the Lancashire Street Disposal Area Site (the Site), which is located on Lancashire Street in Providence, Providence County, Rhode Island. The total project ceiling, if approved, will be \$3,360,000.00.

EPA and their Superfund Technical Assessment and Response Team (START) contractor, Weston Solutions Inc., have conducted an extent of contamination investigation in the Lancashire Street neighborhood that began June 2, 2005 and ended on November 10, 2005. The results of the investigation have confirmed that contaminated soils do exist at the residential properties surrounding the vacant lots, specifically consisting of properties located on Lancashire Street, Columbus Street, and Sherwood Street. Currently we have completed excavation and disposal of contaminated soil for 25 out of the 32 residential properties that qualified for the removal action. Additional funds are required to appropriately address the remaining contaminated residential properties and the vacant lot area. EPA and its contractors are currently restoring the properties where excavation is complete and are preparing to begin excavation at the remaining designated properties. Additional funds will be used to continue excavation activities at the designated properties, as well as to backfill, re-grade, and re-vegetate all the

Toll Free • 1-888-372-7341

Internet Address (URL) • <http://www.epa.gov/region1>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

Action Memorandum Addendum (2) for Lancashire Street Disposal Area Superfund Site

July 07, 2006

residential properties where the Removal Action took place. The hazardous substances present in contaminated surface soils in three vacant lots and in the residential properties surrounding the vacant lots, if not addressed by continuing to implement the response actions selected in the Action Memorandum dated September 21, 2004, Action Memorandum Addendum dated June 21, 2005, and this Action Memorandum Addendum (2), 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#: RID987493244
SITE ID#: 01BK
CATEGORY: Time Critical

A. Site Description

1. Removal site evaluation

The information presented below is new or changed information about the site. For previously established information about the site background, removal site evaluation, and state and local authorities' roles, please refers to the original, attached Action Memorandum and the Action Memorandum Addendum for more information.

The residential properties on Lancashire Street, Columbus Street, and Sherwood Street were sampled in three consecutive rounds of soil sampling. The third round of sampling was completed on November 10, 2005.

On April 26, 2006 a public meeting was held to provide a forum for information exchange and questions for the community. A strong concern was expressed regarding the 14 property owners who did not grant access to EPA for sampling of their property. The residents were specifically concerned about the potentially contaminated soils from these properties migrating and re-contaminating their newly restored properties. They were also concerned that absentee landlords were not taking the health of their tenants into consideration when they decided not to sign the access agreements. In an attempt to address these concerns, EPA with the support of RIDEM, had decided to make an additional attempt to contact the remaining property owners. To operate within the set timeline for the site, EPA and RIDEM agreed on a deadline to receive responses from the additional homeowners. As of this deadline, 10 out of the 14 homeowners have agreed to have their properties sampled. Depending on the results of the additional sampling, the number of homes being addressed under the removal action may increase to 42 properties located on Lancashire Street, Columbus Street, and Sherwood Street.

2. Physical location

Refer to Action Memorandum Addendum, dated June 27, 2005.

3. Site characteristics

Refer to Action Memorandum Addendum, dated June 27, 2005.

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

Sampling conducted by EPA has documented the presence of lead at levels up to 1290 ppm in surface soils and PCBs at levels up to 17 ppm. These results are above the RIDEM accepted standard for residential areas for PCBs and lead, 150 ppm¹ and 10ppm², respectively.

5. NPL status

The Site is not currently on the National Priorities List.

B. Other Actions to Date

1. Previous actions

Refer to Action Memorandum Addendum, dated June 27, 2005.

2. Current actions

At this time a removal action is currently being conducted at the residential properties, using the vacant lots as a staging area for the contaminated soil. As of the third sampling round, 32 residential properties qualified for a removal action. Of these properties, 25 of them have been excavated, backfilled, and are being prepared for restoration activities.

A schedule for the installation of fence at the applicable residential properties has been set. The residential properties that have been backfilled and loamed are being seeded. The next set of residential properties that require excavation are being prepared for the work by removing fence and trees where necessary and clearing yard debris from the excavation areas.

July 07, 2006

C. State and Local Authorities' Roles

1. State and local actions to date

Refer to Action Memorandum Addendum, dated June 27, 2005.

2. Potential for continued State/local response

Refer to Action Memorandum Addendum, dated June 27, 2005.

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

A. Threats to Public Health or Welfare

Refer to Action Memorandum Addendum, dated June 27, 2005 for additional information.

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 Addendum (2), may present an imminent and substantial endangerment to public health, or welfare, or the environment.⁶

⁶In accordance with OSWER Directive 9360.0-34, an endangerment determination is made based on collaboration with a trained risk assessor.

July 07, 2006

V. EXEMPTION FROM STATUTORY LIMITS

A. Emergency Exemption

1. There is an immediate risk to public health or welfare or the environment:

As explained in Section II of this Action Memorandum Addendum (2), approximately 20 residential properties that qualify for the removal action and the vacant lots have not been addressed in the first construction season. This amounts to approximately 3,950 tons of contaminated soils present at the Site, awaiting excavation and off-site disposal. Failure to complete this work may expose the public and environment to the same threats as documented in Section III of Action Memorandum Addendum dated June 27, 2005.

2. Continued response actions are immediately required to prevent, limit, or mitigate an emergency:

The continued response actions to include additional excavation and off-site disposal of contaminated surface soils, site restoration, and demobilization are not additional actions beyond the original scope of the Removal Action, but an integral part of the cleanup at the Site. The contaminants (lead and PCB's) are still present and can pose the same threats that existed prior to the beginning of the Removal Action.

3. Assistance will not otherwise be provided on a timely basis:

EPA began the Removal Action at the residential properties on June 21, 2005 at the request of the RIDEM due to a lack of resources at the state agency and local government level. The Site is located in an Environmental Justice Community, where most of the residents are tenants. The local community and home owners do not have a means of addressing the issue of contamination. Neither the state nor local government has the resources to complete this removal action.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The additional round of sampling will be conducted during the early part of July 2006.

Action Memorandum Addendum (2) for Lancashire Street Disposal Area Superfund Site

July 07, 2006

The results of the sampling will determine if the number of homes being addressed in the Removal Action will increase. Identified contaminated surface soils will be excavated, transported, and disposed of at an approved off-site landfill. Once field excavation activities are complete, EPA will take confirmatory samples where deemed necessary, in conjunction with the RIDEM, who will be taking duplicate samples. EPA's contractors will backfill excavated areas, re-grade, and re-vegetate the residential properties in a manner consistent with pre-existing conditions. All equipment, materials, and supplies will be demobilized and the Site will be secured.

Refer to Action Memorandum Addendum, dated June 27, 2005 for additional information.

2. Community relations

Community interest for this project is expected to be high. EPA will coordinate closely with the State and City officials throughout the cleanup. Community relations activities to be conducted for this project include a press release, a fact sheet and community public meetings throughout the removal action. A public meeting is tentatively scheduled to occur in September 2006, at the Rhode Island School for the Deaf, located in the Lancashire Street neighborhood.

3. Contribution to remedial performance

The cleanup proposed in this Action Memorandum Addendum (2) 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

Refer to Action Memorandum Addendum, dated June 27, 2005 for additional information.

5. Applicable or relevant and appropriate requirements (ARARs)

Refer to Action Memorandum Addendum, dated June 27, 2005 for additional information.

Action Memorandum Addendum (2) for Lancashire Street Disposal Area Superfund Site

July 07, 2006

6. Project schedule

Currently, removal action work has begun on site in the surrounding residential properties. Work is expected to continue on all of the residential properties that qualify for a removal action. The current project completion date is November 2006.

B. Estimated Costs

COST CATERGORY	CURRENT CEILING	CEILING INCREASE	PROPOSED CEILING
<i>REGIONAL REMOVAL ALLOWANCE COSTS:</i>			
ERRS Contractor	\$1,000,000.00	\$1,500,000.00	\$2,500,000.00
Interagency Agreement	\$100,000.00	\$0.00	\$100,000.00
<i>OTHER EXTRAMURAL COST NOT FUNDED FROM THE REGIONAL ALLOWANCE:</i>			
START Contractor	\$200,000.00	\$0.00	\$200,000.00
Extramural Subtotal	\$1,300,000.00	\$1,500,000.00	\$2,800,000.00
Extramural Contingency (20%)	\$240,000.00	\$320,000.000	\$560,000.00
TOTAL, REMOVAL ACTION CEILING	\$1,540,000.00	\$1,820,000.00	\$3,360,000.00

**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. Delayed action will increase public health risks through exposure to lead and PCB contaminated soils.

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.

Action Memorandum Addendum (2) for Lancashire Street Disposal Area Superfund Site

July 07, 2006

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 $\$3,360,000.00 + \$200,000.00 = \$3,560,000.00 \times 1.2702$ (regional indirect rate) = **\$4,521,912.00⁸**.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Lancashire Street Disposal Area Site in Providence, Rhode Island, 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.

⁸ Direct Costs include direct extramural costs [\$2,800,000] and direct intramural costs [\$200,000]. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific costs [27.02% x \$3,560,000], consistent with the full accounting methodology effective October 2, 2000. 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.

Action Memorandum Addendum (2) for Lancashire Street Disposal Area Superfund Site

July 07, 2006

Site conditions continue to 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)]; and

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

I recommend your approval of the proposed project ceiling increase of \$1,820,000.00. The total project ceiling if approved will be \$3,360,000.00, of which an estimated \$3,060,000.00 comes from the Regional removal allowance.

APPROVAL: _____

DATE: _____

DISAPPROVAL: _____

DATE: _____