



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: 24 July 2008

SUBJ: Request for a Removal Action at the Stenton Trust Mill Site,
Sanford, York County, Maine - **Action Memorandum**

FROM: John McKeown, On-Scene Coordinator *JMc*
Emergency Response and Removal Section I

THRU: David McIntyre, Chief *DM*
Emergency Response and Removal Section I

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

TO: James T. Owens III, Director *JTO*
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 Stenton Trust Mill Site (the Site), which is located at 13 River Street in Sanford, York County, Maine. Hazardous substances present in containers 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# : MEN000105887
SITE ID# : 01FA
CATEGORY : Time-Critical

A. Site Description

1. Removal site evaluation

On December 27, 2007, Maine Department of Environmental Protection (MEDEP) contacted EPA regarding abandoned containers located inside and around the Stenton Trust Mill Site in Sanford, York County, Maine. Gateway Properties, LLC of Stratham, New Hampshire, is the

current owner of the property. EPA obtained access from Gateway Properties, LLC and conducted a joint Preliminary Assessment (PA) with representatives from MEDEP at the Site on January 23, 2008. On April 16 and 17, 2008, EPA and Region I START conducted a Removal Site Investigation at the Site. During this period, EPA also obtained historical data, including significant amounts of analytical data, from the EPA Region I Brownfields program and the Southern Maine Regional Planning Commission (SMRPC). Using this information and the findings from the PA/SI, EPA was able to document the presence of hazardous substances such as PCBs, ignitable and corrosive characteristic wastes (D001 and D002), universal wastes, and a variety of volatile and semi-volatile organic compounds.

2. Physical location

Latitude: 43° 26' 31" North

Longitude: 70° 46' 24" West

The Site is located in a mixed residential/commercial area in Sanford, York County, Maine.

The Site boundaries consist of:

- East - former Goodall Mill and residences located along Spruce Street and Davis Avenue.
- South – brick warehouse building and High Street.
- West – commercial businesses located along River Street.
- North – residences located along Gowen Street and Davis Street.

3. Site characteristics

The Site is 6.8 acres in size and referenced as Map J29, Lot 18 by the Town of Sanford Tax Assessor's Office. Two light industrial businesses, a wooden toy manufacturer and a custom motorcycle shop, operate out of old mill building on the property. The majority of the building is empty and abandoned. A garage, located along River Street, is the only other structure on the property. A furniture salvage business operates out of the garage. The property is zoned Industrial Reuse (IR).

The 5-story mill building initially operated as a textile mill during the 1920s. The 270,000 square foot mill building consists of six distinct areas. These include the five-story Tower A (nearest River Street), five-story Tower C (nearer to Spruce Street), one-story Section B (between Towers A and C), one-story Section D (east side of the building furthest from River Street), the loading dock along the north end of the building and the basement that underlies the entire structure except the loading dock.

Gateway Properties, LLC purchased the property in 1999 from the Stenton Trust. From 1999 to the present, Gateway Properties, LLC leased portions of the facility to a variety of light-industrial operations. During this period, the mill building has accumulated a large collection of containers (of various size, condition and contents). The majority of abandoned containers are located in the basement, loading dock area, Section D or along the east side of the building. The building does not have an operating temperature-control system or sprinkler system.

Overall drainage from the building flows south and west into the municipal storm drains and/or into the nearby Mousam River Pond #1¹. Drainage near the loading dock and eastern side of the building flows down a steep hill into the residential neighborhood located along Davis Street and Spruce Street. The local population uses the Mousam River for recreational purposes.

There are approximately 1,077 persons residing within a ¼-mile radius of the Site. Most of this population is located in the residential neighborhoods located north and east of the Site. The nearest residence is approximately 150 feet from the northwest corner of the facility.

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 Substance	Media
ignitable characteristic waste D001	Container
corrosive characteristic waste D002	Container
volatile organic compounds	Container
semi-volatile organic compounds	Container
PCBs	Container
Universal Wastes	Container

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 Three ponds exist on the Mousam River as it passes through Springvale and Sanford. From North to South these are the Mill Pond (Springvale), the Stump Pond (Springvale) and No. 1 Pond (Sanford).

1. Previous actions

In May of 1994, MEDEP and US EPA Region I personnel conducted an inspection of PCB-contaminated transformers at the Site under the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a) and documented numerous violations of the "PCB Rules". As a result, EPA Region I issued a "Complaint and Notice of Opportunity to Hearing" against the Stenton Sanford Corporation and issued a Civil Penalty of \$60,000 for storage and disposal violations.

2. Current actions

The Site and surrounding properties are part of an ongoing EPA Region I Brownfields project. The SMRPC have completed an Environmental Site Assessment (ESA) Phase I and initiated an ESA Phase II under a grant issued by the EPA Region I Brownfields program.

C. State and Local Authorities' Roles

1. State and local actions to date

In April of 2007, MEDEP issued a notice of violation to Gateway Properties, LLC. Violations cited included improper container marking; improper storage of hazardous substances; failure to conduct inspections, report and remediate spills, and maintain proper records and licenses.

2007 – City of Sanford Fire Department conducted an inspection of the facility to assess the risk of fire and risks associated with fighting the fire. Sanford Fire Department determined that the containers of hazardous substances in and around the building greatly increase the threat of fire and threat to responding firefighters.

2. Potential for continued State/local response

The OSC will continue to work and coordinate with MEDEP during this time-critical removal action. On June 4, 2008, MEDEP sent a letter to EPA requesting EPA assistance with the assessment and removal of hazardous substances at the Site.

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

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)];

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release [§300.415(b)(2)(iii)];

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

Numerous containers of hazardous substances are located inside and around the mill building at the Site. Most of the containers are in either the eastern portion of the basement, Section D of the building or on the loading dock. Other containers, including the transformers containing PCB-laden oil, are located outside of the building along the eastern and northern side. The building is not climate controlled, so the containers have been expanding and contracting throughout the years. Some of the containers are misshaped and rusting allowing the release of toxic gases. The weather has a greater impact on containers located outside of the structure. All of the containers are in a constant state of degradation.

The Site is located in a residential/commercial area of Sanford, Maine. A residential neighborhood is located along the east and north side of the building. Access to the property and the mill building is unrestricted. Persons working at the wooden toy manufacturer, custom motorcycle shop and furniture salvage operations may also have unrestricted access to hazardous substances located throughout the building on a daily basis. All of the hazardous substances at the Site are easily accessible to any worker, nearby resident or transient population at or near the Site.

Acute toxic effects of the hazardous substances on site may include death of animals, birds or fish and low growth rate in plants.

Threat of fire or explosion [§300.415(b)(2)(vi)];

Many of the containers located within the building are "flammable" or tested as D001 ignitable characteristic waste during the Site Investigation. The condition of the containers continues to degrade. The building is not climate controlled and the containers have been expanding and contracting throughout the years. The building contains combustible materials (such as cardboard, wood and paper) that could fuel a fire if ignited. The building does not have an operating sprinkler system and the Sanford Fire Department rated the building as a definite fire hazard.

During a fire, the containers of hazardous substances may either fuel the fire or release toxic substances posing an acute vapor hazard to firefighters and all persons located downwind of the structure. The building is located adjacent to a residential neighborhood increasing the threat of toxic vapors affecting human health during a fire.

During a fire, hazardous substances released from containers may get flushed and migrate along the overland drainage pathway to residential neighborhoods surrounding the Site.

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

MEDEP has worked with the potentially responsible party (PRP) at the Site to address violations of Maine's Hazardous Waste Management Rules. To date the PRP has not taken any action to address the hazardous waste on-site. MEDEP does not have an alternative program to address the containers of hazardous waste at the Site.

EPA Region I Brownfields and the SMRPC are investigating the Site as part of a larger area under an EPA Region I Brownfields grant. EPA and SMRPC cannot use Brownfield's money to fund removal activities.

EPA has not identified any other alternatives to address the hazardous substances at the Site.

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, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

Proposed actions include, but are not limited to the following:

1. Conduct a site reconnaissance visit with contractor personnel to assess layout of the Site, and determine required equipment, personnel, and utilities;
2. Develop and implement a health and safety plan;
3. Prepare an air monitoring plan assuring protection of cleanup workers;
4. Plan proper sampling, identification, and characterization of hazardous materials;
5. Mobilize personnel and equipment;
6. Provide site security as determined necessary by the OSC based on Site conditions;
7. Delineate work zones and decontamination area;
8. Perform air monitoring as required;
9. Sample, identify and characterize all hazardous materials located in and around the old mill building;
10. Consolidate, appropriately segregate and stage all hazardous materials located in and around the old mill building;
11. Decontaminate and prepare to dispose all RCRA-empty containers located in and

- around the old mill building;
12. Consolidate and prepare to dispose all universal waste located in and around the old mill building;
 13. Decontaminate, to the extent practicable, areas of contamination found on building surfaces and walls;
 14. Excavate and prepare to dispose soils contaminated with hazardous waste resulting from leaking containers;
 15. Assess and characterize any additional hazardous materials discovered during the course of this action;
 16. Coordinate disposal of materials at an EPA-approved disposal facility;
 17. Repair any response-related damage to the property; and
 18. Demobilize all equipment and personnel.

2. Community relations

The OSC will continue to coordinate with MEDEP and the town of Sanford, Maine. EPA will coordinate with the employees of the wooden toy manufacturer; custom motorcycle shop and furniture salvage business. If necessary, the OSC will coordinate a public information session with the surrounding community. EPA will prepare and issue press releases and fact sheets as required.

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

No alternative technology is planned for this removal action.

5. Applicable or relevant and appropriate requirements (ARARs)

Federal ARARs:

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)

40 CFR Part 761.60 and Parts 761.202-218 : TSCA requirements for disposal of PCBs

The EPA OSC will meet Federal ARARs to the extent practicable considering the exigencies of the situation. The following, while not ARARs, will be complied with during the removal action:

29 CFR Parts 1910, 1926, and 1904: OSHA Health and Safety Regulations.

State ARARs:

Maine Hazardous Waste Management Rules, Chapter 850, Section 3(A)(13): Regulations regarding the storage, handling, transportation and disposal of Universal Wastes.

The EPA OSC will meet State ARARs to the extent practicable considering the exigencies of the situation. 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 identified ARAR.

6. Project schedule

This time-critical removal action will begin within four to six weeks of the signing of this Action Memorandum. EPA anticipates the removal action to be complete within two months of its commencement.

B. Estimated Costs

COST CATEGORY		CEILING
REGIONAL REMOVAL ALLOWANCE COSTS		
ERRS ² Contractor		\$350,000.00
OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE		
START ³ Contractor		\$70,000.00
Extramural Subtotal		\$420,000.00
Extramural Contingency	10%	\$42,000.00
TOTAL, REMOVAL ACTION CEILING		\$462,000.00

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 will continue to deteriorate, and the threats associated with the presence of hazardous substances will persist. Delayed action will increase public health risks and environmental risks posed by the release or threat of release of hazardous substances.

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 \$462,000 (extramural costs) + \$60,000 (EPA intramural costs) = \$522,000 X 1.33 (regional indirect rate) = **\$695,000⁴**.

² ERRS – Emergency Rapid Response Services

³ START – Superfund Technical Assistance and Response Team

⁴ Direct Costs include direct extramural costs \$462,000 and direct intramural costs \$60,000. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific costs 33% x \$522,000, 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 Stenton Trust Mill Site in Sanford, Maine, 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)];

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release [§300.415(b)(2)(iii)];

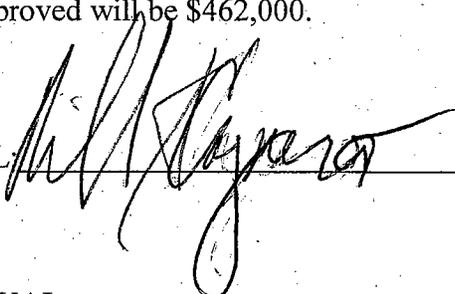
Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released [§300.415(b)(2)(v)];

Threat of fire or explosion [§300.415(b)(2)(vi)];

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 \$462,000.

APPROVAL: _____



DATE: _____

7-29-08

DISAPPROVAL: _____

DATE: _____

References

1. Telephone Conversation. Andy Slusarski, Maine Department of Environmental Protection (MEDEP) and AmyJean McKeown, U.S. EPA, 27 December 2007, Regarding: EPA assessment of Stenton Trust Mill Site in Sanford, Maine.
2. MEDEP Hazardous Waste Compliance Evaluation Inspection (CEI) Trip Report, 13 River Street, Sanford, ME, 24 January 2007.
3. Jacobs, Edwards and Kelcey (JEK), "Phase 1 ESA Report, 13 River Street, Sanford, ME", Project Number 070057056, 27 September 2007.
4. Credere Associates, "ENP138 AEL EDD-transformer.xls" (Table of analytical results from PCB sampling of transformers – 15 January 2008), Phase II ESA, 13 River Street, Sanford, ME, 10 April 2008.
5. Weston Solutions, Inc – Region I START "Removal Program Preliminary Assessment/Site Investigation Report for the Stenton Trust Mill Site, Sanford, York County, Maine, 16 and 17 April 2008" Prepared under Contract # EP-W-05-402, TDD # 08-04-0004, June 2008.
6. Weston Solutions, Inc – Region I START "Removal Preliminary Assessment for Stenton Trust Mill Site, Sanford, Maine" Prepared under Contract # EP-W-05-402, TDD # 08-04-0004, 13 June 2008.
7. Weston Solutions, Inc – Region I START "Removal Site Investigation for Stenton Trust Mill Site, Sanford, Maine" Prepared under Contract # EP-W-05-402, TDD # 08-04-0004, 13 June 2008.
8. Letter from Andy Slusarski, MEDEP, Hazardous Waste Enforcement Unit to Art Johnson, Chief, Emergency Planning and Response Branch (EPRB), US EPA, 4 June 2008, Subject: Request for EPA assistance in the assessment and removal of hazardous substances stored at the Stenton Trust Mill Site, Sanford, ME.
9. Telephone Conversation. Fire Marshall Peter Cutrer, Sanford Fire Department and John McKeown, U.S. EPA, 27 May, 2008, Regarding: Fire threat assessment for Stenton Trust Mill Site in Sanford, Maine.

