

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION I

IN THE MATTER OF:

Scofieldtown Road Park Superfund Site
Stamford, Fairfield County, Connecticut

City of Stamford, Connecticut,

Respondent

UNILATERAL ADMINISTRATIVE
ORDER FOR REMOVAL ACTION

U.S. EPA Region I
CERCLA No. 01-2008-0067

Proceeding Under Sections 106(a) of the
Comprehensive Environmental Response,
Compensation, and Liability Act, as
amended, 42 U.S.C. § 9606(a).

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I. JURISDICTION AND GENERAL PROVISIONS

1. This Unilateral Administrative Order for Removal Action ("Order") is issued under the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9606(a). This authority was delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order No. 12580, 52 Fed. Reg. 2923 (Jan. 23, 1987), and further delegated to the Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B. This authority was further re-delegated by the Regional Administrator of EPA Region I to the Director, Office of Site Remediation and Restoration, Region I, by Region I Order Number 1200, Chapter 14-14B, dated June 30, 1995.

2. This Order pertains to property located at the intersection of Rock Rimmon Road and Scofieldtown Road in Stamford, Fairfield County, Connecticut, known as the "Scofieldtown Road Park Superfund Site" ("Site"). This Order requires the City of Stamford, Connecticut ("Respondent") to conduct the removal action described herein to abate an imminent and substantial endangerment to the public health or welfare or the environment that may be presented by the actual or threatened release of hazardous substances at or from the Site.

3. EPA has notified the State of Connecticut (the "State") of this action pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

II. PARTIES BOUND

4. This Order applies to and is binding upon the Respondent and its successors and assigns. Any change in ownership or control of the Site or change in the corporate status of the Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter the Respondent's responsibilities under this Order.

5. The Respondent is jointly and severally liable for implementing all activities required by this Order.

6. The Respondent shall ensure that its contractors, subcontractors, and representatives receive a copy of this Order and comply with this Order. The Respondent shall be responsible for any noncompliance with this Order.

III. DEFINITIONS

7. Unless otherwise expressly provided herein, terms used in this Order which are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in CERCLA or in such regulations. Whenever terms listed below are used in this Order or in the attached appendices and incorporated hereunder, the following definitions shall apply:

- a. "Action Memorandum" shall mean the EPA Action Memorandum relating to the Scofieldtown Road Park Superfund Site signed on May 19, 2008 by the Director, Office of Site Remediation and Restoration, EPA Region I, or his delegate, and all attachments thereto. The Action Memorandum is attached as Appendix A.
- b. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601, *et seq.*
- c. "Day" shall mean a calendar day. In computing any period of time under this Order, where the last day would fall on a Saturday, Sunday, or Federal holiday, the period shall run until the close of business of the next working day.
- d. "Effective Date" shall be the effective date of this Order as provided in Section XXVII.
- e. "EPA" shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.
- f. "CT DEP" shall mean the Connecticut Department of Environmental Protection and any successor departments or agencies of the State.
- g. "National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, codified at 40 C.F.R. Part 300, and any amendments thereto.
- h. "Order" shall mean this Unilateral Administrative Order for Removal Action, the Statement of Work ("SOW"), all appendices attached hereto, and all documents incorporated by reference into this document, including without limitation EPA approved submissions. EPA approved submissions (other than progress reports) are incorporated into and made a part of the Order upon approval by EPA. In the event of conflict between this Order and any appendix or other incorporated documents, this Order shall control.
- i. "Paragraph" shall mean a portion of this Order identified by an Arabic numeral.
- j. "Parties" shall mean EPA and the Respondent.
- k. "RCRA" shall mean the Solid Waste Disposal Act, as amended, 42 U.S.C. §§ 6901, *et seq.* (also known as the Resource Conservation and Recovery Act).
- l. "Respondent" shall mean the City of Stamford, Connecticut.

- m. "Section" shall mean a portion of this Order identified by a Roman numeral.
- n. "Site" shall mean the Scofieldtown Road Park Superfund Site, comprising approximately 18 acres of land, located at 162 Scofieldtown Road, Stamford, Fairfield County, Connecticut.
- o. "State" shall mean the State of Connecticut.
- p. "Statement of Work" or "SOW" shall mean the statement of work for implementation of the removal action, as set forth in Appendix B to this Order, and any modifications made thereto in accordance with this Order.
- q. "Waste Material" shall mean: (i) any "hazardous substance" under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14); (ii) any pollutant or contaminant under Section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (iii) any "solid waste" under Section 1004(27) of RCRA, 42 U.S.C. § 6903(27); and (iv) any "hazardous material" under the State of Connecticut Hazardous Waste Regulations.
- r. "Work" shall mean all activities the Respondent is required to perform under this Order.

IV. FINDINGS OF FACT

8. The Site is located at the intersection of Rock Rimmon Road and Scofieldtown Road in Stamford, Fairfield County, Connecticut. The Site comprises 18 acres and is the location of the former Scofieldtown Road Dump, a landfill estimated to have covered approximately 10 to 18 acres, with a depth of waste ranging from 10 to 30 feet. The Site is owned by the City of Stamford.

9. The landfill was originally opened in the mid-1930s as a town dump for household waste. In 1949, the dump began to accept additional types of waste generated by the City of Stamford (the "City"). The Scofieldtown Road Dump was officially closed in the early 1970s, and the landfill was graded and capped with clean fill. The landfill is unlined and does not have an impermeable cap.

10. The City of Stamford Department of Public Works ("DPW"), currently operates on the northern portion of the property. The DPW stages vehicles, road salt, and equipment and operates a recycling center and leaf composting facility in this area. The City of Stamford Parks and Recreation Department currently operates a recreation area on the southern portion of the property, known as the Scofieldtown Complex (also known as Scofieldtown Road Park). The recreational area consists of a tennis court, playground, small pond, and an open grassy area.

11. On July 14, 1988, responding to a complaint of chemical dumping on the property, CT DEP conducted an on-site inspection of the Site. During the inspection of the Site, CT DEP representatives observed hundreds of tires and several rusted drums, some of which were empty and some of which contained resins, paint-like materials, and other waste materials. On August 2, 1988, CT DEP issued a letter to the Mayor of Stamford requesting the removal of the drums located on the Site.

12. On February 22, 1989, during a Site inspection by representatives from CT DEP, the Stamford Environmental Protection Board, and the City, refuse was observed in excavated areas adjacent to a new tennis court built on the southern portion of the Site. CT DEP was concerned that drainage from the tennis court was being directed onto the landfill. A follow up letter dated March 13, 1989 from CT DEP to the City stated that the City must either re-grade the drainage away from the landfill or enhance the runoff to minimize infiltration. CT DEP also found that exposed drums were still present along the perimeter of the property.

13. On January 13, 1990, the Stamford Department of Health ("DOH") conducted an inspection of the property to observe the leaf composting activities conducted on the site. The leaf composting appeared to be taking place on the exterior edge of an upper mound of the landfill, and the DOH had concerns regarding potentially adverse effects that the composting activities might have on the landfill cap. From February to June 1990, DOH repeatedly expressed concern to CT DEP regarding erosion of the landfill cap and areas of exposed landfill waste. CT DEP recommended that the City install a barricade to prevent traffic from causing future erosion problems.

14. On February 2, 1996, EPA's contractor, the Superfund Technical Assessment and Response Team ("START"), completed a preliminary assessment/site investigation ("PA/SI") of the Site at EPA's direction. During the on-Site reconnaissance, START observed two drums containing solid materials and approximately 10 drums that were empty or crushed. Four soil samples and one drum sample were taken from the eastern portion of the Site and analyzed for hazardous substances. A removal action was not deemed warranted at that time because the concentrations of contaminants did not exceed state standards.

15. The Site was referred for a removal evaluation by EPA's Brownfields Program in 2007, and a PA/SI was initiated on behalf of EPA on June 13, 2007. The PA/SI could not be completed until the fall due to thick vegetation growth. On November 20, 2007, samples were taken from two drums containing a solid substance. Analysis of the samples revealed the presence of hazardous substances, including but not limited to, acetone and polychlorinated biphenyls (PCBs).

16. EPA documented its findings in the PA/SI Closure Memorandum dated March 11, 2008, concluding that Site conditions meet the criteria in the National Contingency Plan for a removal action.

17. On April 1, 2008, EPA issued a Notice of Potential Liability and Invitation to Perform or Finance Proposed Cleanup Activities to the City of Stamford as the owner and operator of the Site.

18. On May 19, 2008, EPA signed an Action Memorandum that sets forth the basis for its finding that a release or threat of release of hazardous substances from the Site may present an imminent and substantial endangerment to human health and the environment. The Action Memorandum is attached hereto as Appendix A and is incorporated herein by reference.

V. CONCLUSIONS OF LAW AND DETERMINATIONS

19. Based on the Findings of Fact set forth above and the Administrative Record supporting the removal action, EPA has determined that:

- a. The Scofieldtown Road Park Superfund Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
- b. The contamination found at the Site, as identified in the Findings of Fact above, includes "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
- c. The Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
- d. The Respondent is a liable party under one or more provisions of Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).
 - i. Respondent City of Stamford, Connecticut is the "owner" and "operator" of the facility, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20), and within the meaning of Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).
 - ii. Respondent City of Stamford, Connecticut was the "owner" and "operator" of the facility at the time of disposal of hazardous substances at the facility, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20), and within the meaning of Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2).
- e. The conditions described in the Findings of Fact above constitute an actual and/or threatened "release" of a hazardous substance from the facility as defined by Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
- f. The conditions at the Site constitute a threat to public health or welfare or the

environment, based on the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended, 40 CFR Part 300 ("NCP").

g. The conditions present at the Site constitute an imminent and substantial endangerment to public health or welfare or the environment within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

h. The removal action required by this Order is necessary to protect the public health, welfare, or the environment and, if carried out in compliance with the terms of this Order, will be consistent with the NCP, as provided in Section 300.700(c)(3)(ii) of the NCP.

VI. ORDER

20. Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for this Site, it is hereby Ordered that the Respondent comply with all provisions of this Order and any modifications hereto, including, but not limited to, all appendices to this Order and all documents incorporated by reference into this Order. In the event of conflict between this Order and any appendix or documents subsequently approved pursuant to the terms of this Order and incorporated herein, this Order shall control.

VII. NOTICE OF INTENT TO COMPLY

21. The Respondent shall notify EPA in writing within five (5) days after the Effective Date of this Order of the Respondent's irrevocable intent to comply with this Order. Failure of the Respondent to provide such notification within this time period shall be a violation of this Order by the Respondent. Such written notice shall be sent to:

Richard Haworth, On-Scene Coordinator
U.S. EPA, Region I
One Congress Street, Suite 1100, Mail Code HBR
Boston, MA 02114-2023
Tel. (617) 918-1229
Haworth.Richard@epa.gov

And to

Amelia Welt Katzen, Senior Enforcement Counsel
U.S. EPA, Region I
One Congress Street, Suite 1100, Mail Code SEL
Boston, MA 02114-2023
Tel. (617) 918-1869
Katzen.Amelia@epa.gov

**VIII. DESIGNATION OF CONTRACTOR, PROJECT COORDINATOR,
AND ON-SCENE COORDINATOR**

22. The Respondent shall perform the Work or shall retain one or more contractors to perform the Work and shall notify EPA of the name and qualifications of the Respondent's representative or Respondent's contractor within seven (7) days of the Effective Date. If, after the commencement of Work, the Respondent retains additional contractor(s) or subcontractor(s), the Respondent shall notify EPA of the name and qualifications of such contractor(s) or subcontractor(s) retained to perform the Work at least seven (7) days prior to commencement of such Work. EPA retains the right, at any time, to disapprove of any or all of the contractors and/or subcontractors retained by the Respondent or of the Respondent's decision to perform the Work itself. If EPA disapproves of a selected contractor or subcontractor or of the Respondent's decision to perform the Work, the Respondent shall retain a different contractor or subcontractor and shall notify EPA of that contractor's or subcontractor's name and qualifications within seven (7) days of EPA's disapproval.

23. Within seven (7) days after the Effective Date, the Respondent shall designate a Project Coordinator who shall be responsible for administration of the Work required by this Order and shall submit in writing to EPA the designated Project Coordinator's name, address, telephone number, electronic mail address, and qualifications. To the greatest extent possible, the Project Coordinator shall be present on Site or readily available during the Work. EPA retains the right to disapprove of the designated Project Coordinator. If EPA disapproves of the designated Project Coordinator, the Respondent shall retain a different Project Coordinator and shall notify EPA of that person's name, address, telephone number, and qualifications within seven (7) days following EPA's disapproval. Communications between the Respondent and EPA, and all documents concerning the activities performed pursuant to this Order, shall be directed to the Project Coordinator. Receipt by the Respondent's Project Coordinator of any notice or communication from EPA relating to this Order shall constitute receipt by the Respondent.

24. EPA has designated Richard Haworth of the Emergency Planning and Response Branch Region I, as its On-Scene Coordinator ("OSC"). Except as otherwise provided in this Order, the Respondent shall direct all submissions required by this Order to the OSC via overnight delivery at:

Richard Haworth, OSC
U.S. EPA, Region I
One Congress Street, Suite 1100
Mail Code HBR
Boston, MA 02114-2023
Tel. (617) 918-1229

25. EPA and the Respondent shall each have the right, subject to Paragraph 23, to change

its respective designated OSC or Project Coordinator. The Respondent shall notify EPA five (5) days before changing its Project Coordinator. The initial notification may be made orally, but shall be followed by a written notice within three (3) days.

IX. WORK TO BE PERFORMED

26. The Respondent shall perform, at a minimum, the following removal action activities, which include, but are not limited to:

- a. Secure drums described in paragraph 15, and any other drums containing a hazardous substance that may come to the Project Coordinator, Respondent or EPA's attention during the course of the removal action, in 85-gallon "overpack" drums.
- b. Collect samples of the contents of the drums referenced in paragraph 26.a. and analyze as necessary to determine if removal of the drums from the Site is required and/or to arrange for disposal of the drums.
- c. Move drums to the most secure location on the Site for temporary storage as necessary before they are transported off Site for disposal.
- d. Engage a security service or install temporary fencing with warning signs, if necessary, to secure the temporary storage location.
- e. Repair any response-related damage to the landfill, using such measures as slope stabilization or regrading of the cap, for example, that may be necessary as a result of removing the drums from the landfill.
- f. Dispose of drums at a permitted facility.
- g. Other drums on the Site that become visible as a result of removal activities, such as through removal of the two known drums, or erosion of the landfill shall also be addressed by this response action.

27. Work Plan and Implementation.

- a. Within ten (10) days after the EPA's approval of Respondent's Contractor, the Respondent shall submit to EPA for review and approval a draft Drum Removal Work Plan ("Work Plan") for performing the removal actions described in Paragraph 26 above and in the SOW. The draft Work Plan shall provide a description of, and an expeditious schedule for, the Work required by this Order. All plans, including the Work Plan, reports and other deliverables will be reviewed and approved by EPA pursuant to Section X (EPA Approval of Plans and Other Submissions).

b. The Respondent shall not commence any on-Site Work until EPA has approved the Work Plan pursuant Section X (EPA Approval of Plans and Other Submissions). The Respondent shall notify EPA at least five (5) business days prior to performing any Work on-Site pursuant to the EPA approved Work Plan. Any non-compliance with any EPA approved plans, reports, specifications, schedules, or other deliverables shall be considered a violation of the requirements of this Order. Determinations of non-compliance shall be made by EPA. Approval of the Work Plan shall not limit EPA's authority under the terms of this Order to require the Respondent to conduct activities consistent with this Order to accomplish the Work outlined in this Section.

28. Health and Safety Plan. Within ten (10) days after EPA's approval of Respondent's Contractor, the Respondent shall submit for EPA review and comment a plan that ensures the protection of the public health and safety during performance of on-Site work under this Order. This plan shall be prepared in accordance with EPA's Standard Operating Safety Guide (PUB 9285.1-03, PB 92-963414, June 1992). In addition, the plan shall comply with all currently applicable Occupational Safety and Health Administration ("OSHA") regulations found at 29 C.F.R. Part 1910. The plan shall also include contingency planning. The Respondent shall incorporate all changes to the plan recommended by EPA and shall implement the plan during the pendency of the removal action.

29. Quality Assurance and Sampling.

a. All sampling and analyses performed pursuant to this Order shall conform to EPA direction, approval, and guidance regarding sampling, quality assurance/quality control ("QA/QC"), data validation, and chain of custody procedures. The Respondent shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with the appropriate EPA guidance. The Respondent shall follow, as appropriate, "Quality Assurance/Quality Control Guidance for Removal Activities: Sampling QA/QC Plan and Data Validation Procedures" (OSWER Directive No. 9360.4-01, April 1, 1990), as guidance for QA/QC and sampling. The Respondent shall only use laboratories that have a documented Quality System that complies with ANSI/ASQC E-4 1994, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs" (American National Standard, January 5, 1995), and "EPA Requirements for Quality Management Plans (QA/R-2) (EPA/240/B-01/002, March 2001)," or equivalent documentation as determined by EPA. EPA may consider laboratories accredited under the National Environmental Laboratory Accreditation Program ("NELAP") as meeting the Quality System requirements.

b. Upon request by EPA, the Respondent shall have such a laboratory analyze samples submitted by EPA for QA monitoring. Upon request by EPA, the Respondent shall allow EPA or its authorized representatives to take split and/or duplicate samples. Respondents shall notify EPA not less than five (5) days in advance of any sample collection activity. EPA shall have the right to take any additional samples that EPA deems necessary.

30. Reporting.

a. The Respondent shall submit two copies of all plans, reports or other submissions required by this Order, the Statement of Work, or any approved Work Plan. Upon request by EPA, the Respondent shall submit such documents in electronic form.

b. The Respondent shall, at least thirty (30) days prior to the conveyance of any interest in real property at the Site, give written notice to the transferee that the property is subject to this Order and written notice to EPA and the State of the proposed conveyance, including the name and address of the transferee. The Respondent shall require that its successors comply with the immediately preceding sentence and Sections XI (Site Access) and XII (Access to Information).

31. Final Report. Within thirty (30) days after all Work has been fully performed in accordance with this Order, with the exception of any continuing obligations required by this Order, including record retention, the Respondent shall submit for EPA review and approval a final report summarizing the actions taken to comply with this Order. EPA will review and approve the final report in accordance with Section XXV (Notice of Completion of Work). The final report shall conform, at a minimum, with the requirements set forth in "Superfund Removal Procedures: Removal Response Reporting – POLREPS and OSC Reports" (OSWER Directive No. 9360.3-03, June 1, 1994). The final report shall include a good faith estimate of total costs or a statement of actual costs incurred in complying with the Order, a listing of quantities and types of materials removed off-Site or handled on-Site, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destination of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal actions (*e.g.*, manifests, invoices, bills, contracts, and permits). The final report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

"Under penalty of law, I certify that to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of the report, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

32. Off-Site Shipments.

a. The Respondent shall, prior to any off-Site shipment of Waste Material from the Site to an out-of-state waste management facility, provide written notification of such shipment of Waste Material to the appropriate state environmental official in the receiving facility's state and to the On-Scene Coordinator.

i. The Respondent shall include in the written notification the following

information: (1) the name and location of the facility to which the Waste Material is to be shipped; (2) the type and quantity of the Waste Material to be shipped; (3) the expected schedule for the shipment of the Waste Material; and (4) the method of transportation. The Respondent shall notify the state in which the planned receiving facility is located of major changes in the shipment plan, such as a decision to ship the Waste Material to another facility within the same state, or to a facility in another state.

ii. The identity of the receiving facility and state will be determined by the Respondent following the award of the contract for the removal action. The Respondent shall provide the information required by Paragraph 32a. and 32b. as soon as practicable after the award of the contract and before the Waste Material is actually shipped.

b. Before shipping any hazardous substances, pollutants, or contaminants from the Site to an off-Site location, the Respondent shall obtain EPA's certification that the proposed receiving facility is operating in compliance with the requirements of CERCLA Section 121(d)(3), 42 U.S.C. § 9621(d)(3), and 40 C.F.R. § 300.440. The Respondent shall only send hazardous substances, pollutants, or contaminants from the Site to an off-Site facility that complies with the requirements of the statutory provision and regulation cited in the preceding sentence.

X. EPA APPROVAL OF PLANS AND OTHER SUBMISSIONS

33. After review of any plan, report or other item that is required to be submitted for approval pursuant to this Order, in a notice to the Respondent EPA shall: (a) approve, in whole or in part, the submission; (b) approve the submission upon specified conditions; (c) modify the submission to cure the deficiencies; (d) disapprove, in whole or in part, the submission, directing that the Respondent modify the submission; or (e) any combination of the above. However, EPA shall not modify a submission without first providing the Respondent at least one notice of deficiency and an opportunity to cure within three (3) days of receipt of EPA's notification of the required revisions, except where to do so would cause serious disruption to the Work or where previous submission(s) have been disapproved due to material defects.

34. In the event of approval, approval upon conditions, or modification by EPA, pursuant to Subparagraph 33(a), (b), (c), or (e), the Respondent shall proceed to take any action required by the plan, report or other deliverable, as approved or modified in writing by EPA, and in accordance with the schedule approved by EPA. Following EPA approval or modification of a submission or portion thereof, the Respondent shall not thereafter alter or amend such submission or portion thereof unless directed by EPA. In the event that EPA modifies the submission to cure the deficiencies pursuant to Subparagraph 33(c) and the submission had a material defect, such defect may be considered a violation of this order and may subject the Respondent to civil penalties in accordance with Section XVII (Enforcement).

35. Resubmission.

- a. Upon receipt of a notice of disapproval, the Respondent shall, within three (3) days or such longer time as specified by EPA in such notice, correct the deficiencies and resubmit the plan, report, or other deliverable for approval. The Respondent may be subject to penalties in accordance with Section XVII (Enforcement) if the resubmission is disapproved or modified due to a material defect as provided in Paragraphs 36 and 37.
- b. Notwithstanding the receipt of a notice of disapproval, the Respondent shall proceed to take any action required by any non-deficient portion of the submission, unless otherwise directed by EPA. Implementation of any non-deficient portion of a submission shall not relieve the Respondent of any liability for penalties under Section XVII (Enforcement) for violations of this Order.
- c. EPA reserves the right to stop the Respondent from proceeding further, either temporarily or permanently, on any task, activity or deliverable at any point during the Work.

36. If EPA disapproves a resubmitted plan, report or other deliverable, or portion thereof, EPA may again direct the Respondent to correct the deficiencies. EPA shall also retain the right to modify or develop the plan, report or other deliverable. The Respondent shall implement any such plan, report, or deliverable as corrected, modified or developed by EPA.

37. If upon resubmission, a plan, report, or other deliverable is disapproved or modified by EPA due to a material defect, the Respondent shall be deemed in violation of this Order for failure to submit such plan, report, or other deliverable timely and adequately. The Respondent may be subject to penalties for such violation as provided in Section XVII.

38. Any plans, including the Work Plan, the schedule, reports, and other deliverables submitted to EPA under this Order shall, upon approval or approval with modifications by EPA, be incorporated into and become fully enforceable under this Order. In the event EPA approves or modifies a portion of a plan, report, or other deliverable submitted to EPA under this Order, the approved or modified portion shall be incorporated into and enforceable under this Order.

39. Neither failure of EPA to expressly approve or disapprove of the Respondent's submissions within a specified time period, nor the absence of comments, shall be construed as approval by EPA. Whether or not EPA gives express approval for the Respondent's deliverables, the Respondent is responsible for preparing deliverables acceptable to EPA.

XI. SITE ACCESS

40. The Respondent shall, commencing on the Effective Date, provide EPA, the State, and their representatives, including contractors, with access at all reasonable times to the Site, or

such other property, for the purpose of overseeing and/or conducting any activity related to this Order. Respondent shall permit such persons to move freely at the Site and appropriate off-Site areas in order to oversee performance of the requirements of this Order and conduct actions that EPA determines to be necessary.

41. Where any action under this Order is to be performed in areas owned by or in possession of someone other than the Respondent, the Respondent shall use its best efforts to obtain all necessary access agreements within three (3) days after the Effective Date, or as otherwise specified in writing by the OSC. Any such access agreement shall provide reasonable access for the Respondent and its representatives, including contractors, for the purpose of conducting any activity related to this Order, and for EPA, the State, and their representatives to move freely at the Site in order to conduct actions that EPA determines to be necessary. The Respondent shall immediately notify EPA if after using its best efforts it is unable to obtain such agreements. For purposes of this Paragraph, "best efforts" includes the payment of reasonable sums of money in consideration of access. The Respondent shall describe in writing its efforts to obtain access. EPA may then assist the Respondent in gaining access, to the extent necessary to effectuate the removal actions described herein, using such means as EPA deems appropriate. EPA reserves the right to seek payment from the Respondent for all costs, including cost of attorneys' time, incurred by the United States in obtaining such access.

42. Notwithstanding any provision of this Order, EPA and the State retain all of their access authorities and rights, including enforcement authorities related thereto, under CERCLA, RCRA, and any other applicable statutes or regulations.

XII. ACCESS TO INFORMATION

43. The Respondent shall provide to EPA and the State, upon request, copies of all documents and information within its possession or control or that of its contractors or agents relating to activities at the Site or to the implementation of this Order, including, but not limited to, sampling, analysis, chain of custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence, or other documents or information related to the Work.

44. The Respondent may assert business confidentiality claims covering part or all of the documents or information submitted to EPA and the State under this Order to the extent permitted by and in accordance with Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and 40 C.F.R. § 2.203(b). Documents or information determined to be confidential by EPA will be afforded the protection specified in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies documents or information when they are submitted to EPA and the State, or if EPA has notified the Respondent that the documents or information are not confidential under the standards of Section 104(e)(7) of CERCLA or 40 C.F.R. Part 2, Subpart B, the public may be given access to such documents or information without further notice to the Respondent. The Respondent shall segregate and clearly identify all documents or information submitted under this Order for which the Respondent asserts business confidentiality claims.

45. The Respondent may assert that certain documents, records or other information are privileged under the attorney-client privilege or any other privilege recognized by federal law. If the Respondent asserts such a privilege in lieu of providing documents, it shall provide EPA and the State with the following: (a) the title of the document, record, or information; (b) the date of the document, record, or information; (c) the name and title of the author of the document, record, or information; (d) the name and title of each addressee and recipient; (e) a description of the contents of the document, record, or information; and (f) the privilege asserted by the Respondent. However, no documents, reports or other information created or generated pursuant to the requirements of this Order shall be withheld on the grounds that they are privileged.

46. No claim of confidentiality shall be made with respect to any data, including, but not limited to, all sampling, analytical, monitoring, hydrogeologic, scientific, chemical, or engineering data, or any other documents or information evidencing conditions at or around the Site.

XIII. RECORD RETENTION

47. Until 10 years after Respondent's receipt of EPA's notification pursuant to Section XXV (Notice of Completion of Work), the Respondent shall preserve and retain all non-identical copies of records and documents (including records or documents in electronic form) now in its possession or control or which come into its possession or control that relate in any manner to the performance of the Work or the liability of any person under CERCLA with respect to the Site, regardless of any corporate retention policy to the contrary. Until 10 years after the Respondent's receipt of EPA's notification pursuant to Section XII (Notice of Completion of Work), the Respondent shall also instruct its contractors and agents to preserve all non-identical copies of records and documents (including records or documents in electronic form) and any additional information of whatever kind, nature or description relating to performance of the Work.

48. At the conclusion of this document retention period, the Respondent shall notify EPA and the State at least 90 days prior to the destruction of any such records or documents, and, upon request by EPA or the State, the Respondent shall deliver any such records or documents to EPA or the State. The Respondent may assert that certain documents, records or other information are privileged under the attorney-client privilege or any other privilege recognized by federal law. If the Respondent asserts such a privilege, it shall provide EPA or the State with the following: (a) the title of the document, record, or information; (b) the date of the document, record, or information; (c) the name and title of the author of the document, record, or information; (d) the name and title of each addressee and recipient; (e) a description of the subject of the document, record, or information; and (f) the privilege asserted by the Respondent. However, no documents, reports or other information created or generated pursuant to the requirements of this Order shall be withheld on the grounds that they are privileged.

XIV. COMPLIANCE WITH OTHER LAWS

49. The Respondent shall perform all actions required pursuant to this Order in

accordance with all applicable local, state, and federal laws and regulations except as provided in Section 121(e) of CERCLA, 42 U.S.C. § 6921(e), and 40 C.F.R. §§ 300.400(e) and 300.415(j). In accordance with 40 C.F.R. § 300.415(j), all on-Site actions required pursuant to this Order shall, to the extent practicable, as determined by EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements ("ARARs") under federal environmental or state environmental or facility siting laws.

XV. EMERGENCY RESPONSE AND NOTIFICATION OF RELEASES

50. In the event of any release of a hazardous substance from the Site or any action or occurrence during performance of the Work which causes or threatens a release of "Waste Material" from the Site that constitutes an emergency situation or may present an immediate threat to public health or welfare or the environment, the Respondent shall immediately take all appropriate action. The Respondent shall take such actions in accordance with all applicable provisions of this Order, including but not limited to the Health and Safety Plan, in order to prevent, abate or minimize any such release or threat of release or endangerment caused or threatened. The Respondent shall also immediately notify the OSC or, in the event of his unavailability, the Regional Duty Officer at EPA Region I at (617) 918-1224, and the EPA Regional Emergency 24-hour telephone number at (617) 723-8928 and the National Response Center at (800) 424-8802, of the incident or Site conditions. In the event that the Respondent fails to take appropriate response action as required by this Paragraph, and EPA takes such action instead, EPA reserves the right to pursue cost recovery.

51. The Respondent shall submit a written report to EPA within 7 days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or threat of release or endangerment caused or threatened and to prevent the reoccurrence of such a release or threat of release. This reporting requirement is in addition to, and not in lieu of, reporting under Section 103(c) of CERCLA, 42 U.S.C. § 9603(c), and Section 304 of the Emergency Planning and Community Right-To-Know Act of 1986, 42 U.S.C. § 11004.

XVI. AUTHORITY OF ON-SCENE COORDINATOR

52. The OSC shall be responsible for overseeing the Respondent's implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, including the authority to halt, conduct, or direct any Work required by this Order, or to direct any other removal actions undertaken at the Site. Absence of the OSC from the Site shall not be cause for stoppage of the Work.

XVII. ENFORCEMENT

53. Violation, failure or refusal to comply with any provision of this Order may subject the Respondent to civil penalties of up to \$32,500 per violation per day, as provided in Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1), and the Civil Monetary Penalty Inflation

Adjustment Rule, 69 Fed. Reg. 7121 (Feb. 13, 2004), codified at 40 C.F.R. Part 19. EPA may carry out the required actions unilaterally, pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606. The Respondent may also be subject to punitive damages in an amount up to three times the amount of any cost incurred by the United States as a result of such violation, failure or refusal to comply, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3).

XVIII. RESERVATIONS OF RIGHTS BY EPA

54. Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at, or from the Site, pursuant to CERCLA or any other applicable law. Further, nothing herein shall prevent EPA from seeking legal or equitable relief to enforce the terms of this Order, from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondent in the future to perform additional activities pursuant to CERCLA or any other applicable law. EPA reserves the right to bring an action against the Respondent under Section 107 of CERCLA, 42 U.S.C. § 9607, for recovery of any Response Costs incurred by the United States related to this Order or the Site and not paid by the Respondent.

XIX. OTHER CLAIMS

55. By issuance of this Order, the United States and EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of the Respondent. The United States or EPA shall not be deemed a party to any contract entered into by the Respondent or its directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out actions pursuant to this Order.

56. Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against the Respondent or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or common law, including but not limited to any claims of the United States for costs, damages and interest under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607.

57. Nothing in this Order constitutes a decision on preauthorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

58. No action or decision by EPA pursuant to this Order shall give rise to any right to judicial review, except as set forth in Section 113(h) of CERCLA, 42 U.S.C. § 9613(h).

XX. INSURANCE

59. At least 7 days prior to commencing any Work on-Site under this Order, the

Respondent shall secure, and shall maintain for the duration of this Order, comprehensive general liability insurance and automobile insurance with limits of \$50,000, combined single limit. Within the same time period, the Respondent shall provide EPA with certificates of such insurance and a copy of each insurance policy. In addition, for the duration of the Order, the Respondent shall satisfy, or shall ensure that its contractors or subcontractors satisfy, all applicable laws and regulations regarding the provision of worker's compensation insurance for all persons performing the Work on behalf of the Respondent in furtherance of this Order. If the Respondent demonstrates by evidence satisfactory to EPA that any contractor or subcontractor maintains insurance equivalent to that described above, or insurance covering some or all of the same risks but in an equal or lesser amount, then the Respondent need provide only that portion of the insurance described above which is not maintained by such contractor or subcontractor.

XXI. MODIFICATIONS

60. The OSC may make modifications to any plan or schedule or Statement of Work in writing or by oral direction. Any oral modification will be memorialized in writing by EPA within five (5) days, but shall have as its effective date the date of the OSC's oral direction. Any other requirements of this Order may be modified in writing by signature of the Director, Office of Site Remediation and Restoration, EPA Region I.

61. If the Respondent seeks permission to deviate from any approved Work Plan or schedule or Statement of Work, the Respondent's Project Coordinator shall submit a written request to EPA for approval outlining the proposed modification and its basis. The Respondent may not proceed with the requested deviation until receiving approval from the OSC pursuant to Paragraph 60.

62. No informal advice, guidance, suggestion, or comment by the OSC or other EPA representatives regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondent shall relieve the Respondent of its obligation to obtain any formal approval required by this Order, or to comply with all requirements of this Order, unless it is formally modified.

XXII. ADDITIONAL REMOVAL ACTIONS

63. If EPA determines that additional removal actions not included in an approved plan are necessary to protect public health, welfare, or the environment, EPA will notify the Respondent of that determination and will either modify this Order or issue a new Order to address any additional removal actions.

XXIII. NOTICE OF COMPLETION OF WORK

64. When EPA determines, after EPA's review of the Final Report, that all Work has been fully performed in accordance with this Order, with the exception of any continuing obligations required by this Order, including record retention, EPA will provide written notice to the

Respondent. If EPA determines that any such Work has not been completed in accordance with this Order, EPA will notify the Respondent, provide a list of the deficiencies, and require that the Respondent modify the Work Plan, if appropriate, in order to correct such deficiencies within three (3) days of receipt of the EPA notice. The modified Work Plan shall include a schedule for correcting such deficiencies. Within three (3) days of receipt of written approval of the modified Work Plan, the Respondent shall implement the modified and approved Work Plan and shall submit a modified Final Report in accordance with the EPA notice. Failure by the Respondent to implement the approved modified Work Plan shall be a violation of this Order.

XXIV. ADMINISTRATIVE RECORD

65. EPA shall establish an Administrative Record which contains the documents that form the basis for the issuance of this Order. No later than 60 days after initiation of on-site removal activity, it shall be made available for review by appointment on weekdays between the hours of 8:00 a.m. and 4:00 p.m. at the EPA offices in Boston, Massachusetts. To review the Administrative Record, please contact the EPA Region I Records Center Reading Room at (617) 918-1440 to make an appointment. Similarly, a second copy of the Administrative Record will be provided to a local repository in the City of Stamford, typically at the city library.

XXV. OPPORTUNITY TO CONFER

66. Within three (3) days after issuance of this Order, the Respondent may request a conference with EPA, on any matter pertinent to this Order, including its applicability, the factual findings and the determinations upon which it is based, the appropriateness of any action the Respondent is ordered to take, or any other relevant and material issues or contentions which the Respondent may have regarding this Order. Any such conference shall be held no later than three (3) days before the Effective Date unless extended by written agreement of the Parties.

67. The Respondent may appear in person or be represented by an attorney or other representative at the conference. The Respondent may also submit written comments or statements of position on any matter pertinent to this Order no later than the time of the conference, or at least three (3) days prior to the Effective Date of this Order if Respondent does not request a conference. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondent a right to seek review of this Order. Any request for a conference or written comments or statements should be submitted to:

Amelia Welt Katzen, Senior Enforcement Counsel
U.S. EPA, Region I
One Congress Street, Mail Code SEL
Boston, MA 02114-2023
Tel. (617) 918-1869

XXVI. SEVERABILITY

68. If a court issues an order that invalidates any provision of this Order or finds that the Respondent has sufficient cause not to comply with one or more provisions of this Order, the Respondent shall remain bound to comply with all provisions of this Order not invalidated or determined to be subject to a sufficient cause defense by the court's order.

XXVII. EFFECTIVE DATE

69. This Order shall be effective ten (10) days after the Order is signed by the Director, Office of Site Remediation and Restoration, or his delegate, unless modified in writing by EPA.

It is so ORDERED.

BY: J. T. Owens, III
James T. Owens, III, Director
Office of Site Remediation and Restoration
Region I
U.S. Environmental Protection Agency

DATE: 6/19/08

EFFECTIVE DATE: 6/30/08

APPENDIX A

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 1

SCOFIELDTOWN ROAD PARK SUPERFUND SITE
REMOVAL ACTION

ACTION MEMORANDUM
DATED MAY 19, 2008



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: 2 May 2008

SUBJ: Request for a Removal Action at the Scofieldtown Road Park Site
Stamford, Fairfield County, Connecticut - **Action Memorandum**

FROM: Richard A. Haworth, On-Scene Coordinator
Emergency Response and Removal Section II

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

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

TO: James T. Owens III, 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 Scofieldtown Road Park Site (the Site), which is located at 612 Scofieldtown Road in Stamford, Fairfield County, Connecticut. Hazardous substances present in drums 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. EPA is currently negotiating with the City of Stamford, Connecticut as a Potentially Responsible Party who has expressed a willingness to undertake the removal action under a Unilateral Administrative Order (UAO). In the event that the PRP fails to complete the work in a timely manner, EPA will initiate the removal action and pursue cost recovery upon completion of the removal action. 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# : CTD981214299
SITE ID# : 01EV
CATEGORY : Time-Critical

A. Site Description

1. Removal site evaluation

Based on a referral from an EPA Region One Brownfield's project manager, a removal program preliminary assessment/site evaluation (PA/SI) was initiated. On 13 June and 20 November 2007, the perimeter of a former landfill owned and operated by the City of Stamford was searched for drums. The investigation was not completed on the initial date because dense brush and seasonal vegetation prevented all areas from being evaluated. Upon returning in November, two drums containing a solid substance were located and sampled. Analysis was performed by a lab subcontracted to EPA's Superfund Technical Assessment and Response Team III (START) contractor, and the results made available in a PA/SI report dated March 2008.

A Closure Memorandum dated 11 March 2008 formally documents the conclusion of the removal evaluation of this Site. It outlines that a removal action is appropriate because conditions at this Site meet the criteria in the National Contingency Plan (NCP) for initiating a removal action (drums are present that contain hazardous substances).

On 1 April 2008, a Notice of Potential Liability and Invitation to Perform a Cleanup Letter was sent to the City of Stamford because of its status as owner and operator at the present time, and at the time of disposal. The City has replied that it is willing to perform a removal action. Therefore it is anticipated the removal will proceed as a PRP-lead action. If the PRP does not initiate, or fails to complete the actions proposed in this action memorandum, EPA may perform/complete the cleanup itself.

2. Physical location

The Scofieldtown Road Park Site (the site) is located at the intersection of Rock Rimmon Road and Scofieldtown Road in the City of Stamford, county of Fairfield, state of Connecticut. The geographic coordinates of the site, as measured from its approximate center, are 41° 08' 26" north latitude and 73° 33' 35" west longitude. The 18-acre parcel on which the site is located is depicted on the City of Stamford Tax Assessor's Parcel Identification as No. 002-5636, Block No. 0390, Street No. 7648, and Lot No. 15.

The property is bordered to the southeast and east by Scofieldtown Road, to the north by Poorhouse Brook and the Queen of Peace Cemetery, and to the west and southwest by Rock Rimmon Road. The property is currently owned by the City of Stamford.

3. Site characteristics

The site consists of a former landfill, known as the Scofieldtown Road Dump. The approximate footprint of the landfill is 10 to 18 acres, with a depth ranging from 10 to 30 feet. The landfill was originally opened in the mid-1930s as a town dump for household waste. However, in 1949, the dump began to receive waste generated by the City of Stamford. Industrial waste may have been brought to the landfill during this time. The Scofieldtown Road Dump was officially closed in the early 1970s, and the landfill was graded and capped with clean fill. The landfill is unlined and does not have an impermeable cap.

The City of Stamford, Department of Public Works (DPW) stages road salt, vehicles and other equipment, and operates a recycling center and leaf composting facility on top of the old landfill. It is along the perimeter of this area that drums are located. Access is not restricted. Adjacent and to the south, the City of Stamford, Parks and Recreation Department operates a recreational area, known as the Scofieldtown Complex or Scofieldtown Road Park. The recreational area consists of a tennis court, playground, small pond, and an open grassy area.

According to the EPA Region One Environmental Justice Mapping Tool, the Site is not in an environmental justice area. The owner-operator type is municipality. The operational status is active. The incident category is landfill.

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

Tests performed on samples taken from drums at the site indicate the presence of several hazardous substances, including but not limited to, PCBs and acetone, at concentrations as high as 6.8 parts per million (ppm) and 5,000 ppm, respectively.

5. NPL status

The site is not currently on the National Priorities List (NPL), however, a Site Reassessment is being performed at this time.

B. Other Actions to Date

1. Previous actions

On 14 July 1988, responding to a complaint of chemical dumping on the property, the Connecticut Department of Environmental Protection (DEP) conducted an on-site

reconnaissance of the site. During this visit, DEP observed hundreds of tires and several rusted drums, some of which were empty and some of which contained resins, paint-like materials, and other waste materials. On 2 August 1988, DEP sent a letter to the Mayor of Stamford requesting the removal of the drums located on the property. During an inspection in early 1989, DEP found that exposed drums were still present along the perimeter of the property.

On 13 January 1990, the Stamford Department of Health (DOH) conducted an inspection, and expressed concern to DEP regarding erosion of the landfill cap and areas of exposed landfill waste. DEP recommended that the City of Stamford install a barricade to prevent traffic from causing future erosion problems.

On 2 February 1996, a removal PA/SI was performed, however a removal action was determined not to be necessary at that time because concentrations of contaminants did not exceed state standards.

2. Current actions

EPA's Superfund Site Assessment Program (formerly the Pre-Remedial Program) is currently performing a Site Reassessment to determine if the site meets the criteria to be listed on the NPL.

C. State and Local Authorities' Roles

1. State and local actions to date

The City of Stamford has indicated that it is willing to perform the necessary removal action. DEP has been provided with EPA's PA/SI investigation report, and is expected to provide a list of applicable or relevant and appropriate state regulations.

2. Potential for continued State/local response

It is expected that both the state and local governments will continue to contribute to the expeditious conclusion of a removal action at this site.

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

The information presented below about the hazardous substances outlined above is found in fact sheets available from the Agency for Toxic Substances and Disease Registry's (ToxFAQs).

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)];

There is a potential for exposure to the hazardous substances found in drums at this site. There are 965 people within a one-half mile radius. There are private residences across the street from the parcel on which the site is located, and along the roads leading to the site. A tennis court and a playground are located on a portion of the City-owned parcel on which the site is located. Access to the site is not restricted.

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)];

Tests performed on samples taken from drums at the site indicate the presence of several hazardous substances, including but not limited to, PCBs and acetone, at concentrations as high as 6.8 ppm and 5,000 ppm, respectively. Portions of these drums have rotted away, allowing direct access to the contents.

Health effects that have been associated with exposure to PCBs include acne-like skin conditions in adults and neurobehavioral and immunological changes in children. PCBs are known to cause cancer in animals. The Department of Health and Human Services has concluded that PCBs may reasonably be anticipated to be carcinogens. The EPA and the International Agency for Research on Cancer have determined that PCBs are probably carcinogenic to humans.

Exposure to moderate to high amounts of acetone can irritate eyes and the respiratory system, and can cause dizziness. Skin contact with acetone can result in irritation and skin damage.

B. Threats to the Environment

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

Because of the deteriorated condition of the drums, precipitation may spread hazardous substances into the environment. Acetone may be transported to the groundwater. PCBs bind

strongly to soil, do not readily break down in the environment, and thus may remain there for very long periods of time.

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.¹

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The City of Stamford has indicated a willingness to conduct the removal action. Therefore it is anticipated the removal will proceed as a PRP-lead action. If the PRP does not initiate, or fails to complete the work outlined below, EPA may perform/complete the cleanup itself.

The removal action will consist of an initial site walk with a cleanup contractor to convey general information on such topics as site conditions, project goals, and schedule. Drums will be secured in slightly larger, 85-gallon, "overpack" drums. Samples will be collected and analyzed as may be necessary to arrange for disposal. Drums will be moved to the most secure location on the site for temporary storage as may be necessary before they can be transported off site for disposal. A security service or temporary fencing with warning signs will be employed if necessary to bolster the temporary storage location. Repair of response-related damage will be performed if necessary, such as slope stabilization resulting from the removing drums. Other drums that are made visible as a result of removing the two drums known to be present will also be addressed by this response action. Drums containing hazardous substances will be transported off site to a properly permitted disposal facility.

¹ In accordance with OSWER Directive 9360.0-34, an endangerment finding is made based on EPA-New England guidance titled, "Guidance on using ATSDR for Assessments."

2. Community relations

The OSC will coordinate with Superfund Community Relations personnel. Because of the limited scope and duration of this removal action, work at the Site is unlikely to have any adverse impact on the homes near the landfill, or to persons using the tennis courts or playground. Work will also be difficult to view from these locations. However, at a minimum, EPA will provide a Community Update for posting at such places as the recycling center, City Hall, and City's web site. An administrative record for the site will be established within 60 days of the initiation of work on site.

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

Alternatives to landfill disposal that may be available will be considered.

5. Applicable or relevant and appropriate requirements (ARARs)

The federal cleanup standards, standards of control, and other substantive requirements that have been identified to-date, are listed below, and are applicable within the confines of EPA Publication 540/P-91/011, "Superfund Removal Procedures: Guidance on the Consideration of ARARs During Removal Actions."

Federal

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

40 CFR Part 300.440 – Procedures for Planning and Implementing Off-Site Response Actions (Off-Site Rule)

40 CFR Part 761 – Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions

Subpart C – Marking of PCBs and PCB Items

Subpart D – Storage and Disposal

Subpart K – PCB Waste Disposal Records and Reports

761.207 – 761.218

State

To be determined.

6. Project schedule

In addition to the time to agree on the terms of an administrative order, the City will need to make arrangements for funding. The OSC will endeavor to negotiate a cleanup start date no later than the end of summer of 2008. The estimated duration of the removal action once initiated should not exceed three months. Below is an estimate of the extramural funds required if a fund-lead removal becomes necessary.

B. Estimated Costs

COST CATEGORY		CEILING
REGIONAL REMOVAL ALLOWANCE COSTS		
ERRS Contractor		\$15,000.00
Interagency Agreement		\$ 0.00
OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE		
START Contractor		\$6,500.00
Extramural Subtotal		\$21,500.00
Extramural Contingency	10%	\$2,150.00
TOTAL, REMOVAL ACTION CEILING		\$23,650.00

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 persist. Hazardous substances will remain on-site, and continue to pose the threats to public health, welfare, or the environment outlined above.

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 \$ 23,650.00 (extramural costs) + \$10,000 (EPA intramural costs) = \$33,650 X 1.33 (regional indirect rate) = \$44,755².

² Direct Costs include direct extramural costs \$23,650.00 and direct intramural costs \$10,000.00. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific costs [33% x \$33,650.00], 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

IX. RECOMMENDATION

This decision document represents the selected removal action for the Scofieldtown Road Park Site in Stamford, Connecticut, 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 as outlined 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)];

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)];

I recommend that you approve the proposed removal action. If approved, the total removal action project ceiling will be \$23,650.00.

APPROVAL: _____

DATE: _____

DISAPPROVAL: _____

DATE: _____

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.

APPENDIX

B

SCOPE OF WORK

SCOFIELDTOWN ROAD PARK SUPERFUND SITE
STAMFORD, CONNECTICUT

Pursuant to the
Unilateral Administrative Order
For Removal Action

CERCLA Docket No. 01-2008-0067

Appendix B

Unilateral Administrative Order for Removal Action Scofieldtown Road Park Superfund Site

This scope of work ("SOW") identifies the components of the work required pursuant to the Unilateral Administrative Order for Removal Action ("Order") (CERCLA Docket No. 01-2008-0067) with respect to the Scofieldtown Road Park Superfund Site in Stamford, Connecticut (the "Site"). In accordance with the Order and this SOW, the Respondent shall prepare and submit to EPA the items identified below. The Respondent shall implement each item as it is approved by EPA. The removal action conducted under the Order and this SOW will abate an imminent and substantial endangerment to public health or welfare or the environment that may otherwise result from the actual or threatened release of hazardous substances at or from the Site.

General Requirements

- 1) The Respondent shall communicate openly and frequently with the On-Scene Coordinator ("OSC") prior to and during development of plans and deliverables and continually throughout implementation of approved plans.
 - 2) All actions taken by the Respondent shall be consistent with the National Contingency Plan ("NCP"), found in Title 40, Part 300 of the Code of Federal Regulations (40 C.F.R. 300).
 - 3) Each required plan generated pursuant to this SOW must be submitted to the OSC for approval prior to implementation.
 - 4) By telephone or otherwise, the Respondent shall inform the OSC of any field activity not less than five (5) business days prior to commencement of the activity.
 - 5) The Respondent shall perform and complete all activities that the OSC has authorized in accordance with this Order.
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- 6) The OSC may require the Respondent to alter or expand upon plans after approval, based on new information, changed Site conditions, or subsequently identified deficiencies.

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Specific Requirements

In addition to the Work described in the Order, Respondent shall do the following with respect to on-Site activities required under the Order:

- 1) Generate a Drum Removal Work Plan ("Work Plan")

DUE TEN (10) DAYS AFTER NOTIFYING EPA OF THE NAME
AND QUALIFICATIONS OF THE RESPONDENT'S
CONTRACTOR

Using data available from EPA and additional data that the Respondent may obtain or generate, the Respondent shall prepare a technically sound Drum Removal Work Plan that fulfills each of the requirements listed below.

- a) Identifies what will be done with drums at the Site that are contaminated with hazardous substances.
- b) Identifies applicable or relevant and appropriate requirements ("ARARs") for the Work and describes how the activities performed pursuant to the Work Plan will comply with them.
- c) Provides a detailed schedule for carrying out the removal action, noting the completion date for interim activities and identifying the personnel, equipment, and materials that will be necessary to perform the activities.
- d) Describes slope stabilization and restoration measures that may be necessary to repair damage to the landfill cap resulting from the use of heavy equipment to move drums. "Heavy equipment" means any equipment propelled by a motor.

- 2) Prepare and submit to EPA the plans listed below, ensuring that each plan is consistent and integrated with each of the other required plans.

EACH PLAN IS DUE TEN (10) DAYS AFTER NOTIFYING EPA
OF THE NAME AND QUALIFICATIONS OF RESPONDENT'S
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a) **Health and Safety Plan ("HASP")**

As required by 40 C.F.R. § 300.150, a site-specific HASP shall be developed and utilized by Respondent's Contractor for the duration of field activities that complies with the applicable requirements of the OSHA regulations set forth at 29 C.F.R. Part 1910. The HASP shall also include contingency planning. The Respondent shall incorporate all changes to the HASP recommended by EPA and shall implement the plan during the pendency of the removal action.

All employers are responsible for the health and safety of their employees and OSHA compliance. Nothing contained in this SOW or any approved plans shall relieve the Respondent of its liability in this regard.

b) **Sampling and Analysis Plan ("SAP")**

An SAP shall be developed for the purpose of assuring that all analytical results generated during removal activities are of known quality and consistent with EPA Region I's Quality Assurance Project Plan (QAPP). In the case that Respondent determines that no additional data is required in order to dispose of materials from the Site, this finding shall be included and justified in the Work Plan. If EPA is in agreement with this conclusion, no SAP will be required.

3) **Implement the Work Plan**

TWENTY (20) DAYS AFTER APPROVAL OF THE WORK PLAN

Implementation of the approved Work Plan shall begin. The schedule in the approved Work Plan shall be incorporated herein and shall constitute the schedule for performance of the Work under the Order and this SOW.

4) **Generate a Completion of Work Report ("CWR")**

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**DUE THIRTY (30) DAYS AFTER COMPLETING THE TASKS
OUTLINED IN THE WORK PLAN.**

At a minimum, the CWR will include the information listed below.

- a) A brief chronology of all required activities and certification that each has been performed and completed in accordance with approved plans.
- b) Original photographs of the Work and the Site, with a written description of the contents and date of the photograph.
- c) Tabular summary of all analytical results.
- d) For all off-site shipments of non-hazardous waste and hazardous waste, a legible copy of shipping papers and manifests, respectively, signed by the appropriate personnel. "Legible copy" means a photo copy of the original top page of the document.
- e) An estimate of the Respondent's costs incurred.

End of Scope of Work