



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

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: September 3, 2008

SUBJ: Request for a 12 Month Exemption for the Removal Action at the American Tissue Mills of Maine Site, Augusta, Kennebec County, Maine - **Action Memorandum**

FROM: Thomas C. Condon, 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 request for a 12 month exemption for the removal action at the American Tissue Mills of Maine Site (the Site), which is located at 54 Maple Street in Augusta, Kennebec County, Maine. Remaining activities to complete the time critical removal action include completing the removal of Polychlorinated Biphenyl (PCB) contaminated oil contained in electrical equipment, and further assessment and removal if hazardous substances are found in charged piping throughout the facility.

Hazardous substances present in piping, electrical equipment and other 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# : MED 985731272
SITE ID# : 01DM
CATEGORY : Time-Critical

A. Site Location and Description

See Action Memorandum dated September 22, 2006.

B. Pertinent Actions Conducted by EPA since the Approval of the initial Action Memorandum

- Liquid hazardous materials were removed from bulk storage tanks throughout the site. Valves on charged lines leading from the tanks were opened, allowing hazardous material to drain back to the tanks and be removed. Bulk liquids including approximately 17,500 gallons of Hypochlorite Solution and 2,000 gallons of Ammonium Hydroxide Solution were subsequently transported off site for treatment and/or disposal.
- Solid hazardous materials were removed from bulk storage tanks throughout the site. Approximately 35 tons of solidified Sodium Hydroxide Solution and 9 tons of Alum and Lime Slurry were transported off site for disposal.
- Two Kr 85 radiation sources were recovered from the facility. These sources were shipped off site and recycled.
- Electrical equipment including transformers and capacitors containing PCB contaminated oil were identified at the site. Transformers containing up to 200 gallons of oil were drained and flushed. Approximately 2,250 gallons of PCB contaminated oil was collected and shipped off site for disposal. Capacitors and other electrical equipment, containing small quantities of PCB contaminated oil, were packaged intact and shipped off site for disposal.
- Drums, totes and small containers of chemicals used when the mill was in operation were identified throughout the site. The small containers were consolidated into total of 33 lab packs, which were transported off site for disposal. In addition, eighty-four 55-gallon drums and thirty-two 230-gallon totes were shipped off site for disposal.

C. State and Local Authorities' Roles

1. State and local actions to date

Maine DEP has contributed to the clean up at the site by removing approximately fifty 55-gallon drums of oil. DEP also disposed of approximately 3,000 gallons of non-PCB contaminated oil from transformers, and approximately 3,000 gallons of solmet oil from a tank found at the site.

2. Potential for continued State/local response

The EPA EPRB was contacted on July 1, 2008 by the DEP, requesting further assistance in addressing environmental threats at the Site. DEP has indicated that they do not have the financial resources to address the Site.

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

See Action Memorandum dated September 22, 2006.

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. EXEMPTION FROM STATUTORY REQUIREMENTS

A. Emergency Exemption

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

Subsequent to the original removal action, Maine DEP has conducted an assessment of the site, and has identified conditions at the site which warrant immediate supplemental actions in accordance with the scope approved in the Action Memorandum dated September 22, 2006.

Specifically, DEP identified electrical equipment containing PCB contaminated oil that had not been previously addressed.

In addition, DEP has reported that due to vandalism and exposure to extreme weather conditions, the physical condition of piping throughout the facility has deteriorated, causing a significant threat of release of hazardous substances from sections of piping that may have not been completely drained.

Conditions at the Site present an immediate threat to human health and welfare and the environment, and 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)];

According to 2000 Census data, approximately 6,656 people live within a 1 mile radius of the site. The site is located along the bank of the Kennebec River, which is used for both sustenance and recreational purposes.

Access to the facility is not restricted. There are numerous indications of trespassing and vandalism, including broken windows, broken fluorescent light bulbs, and spilled paint. One of the buildings is reportedly frequented by adolescents, who have set up a skateboard park.

Electrical equipment at the Site, including transformers and capacitors, contains PCB contaminated oil.

The most commonly observed health effects in people exposed to large amounts of PCBs are skin conditions such as acne and rashes. Studies in exposed workers have shown changes in blood and urine that may indicate liver damage.

Animals that ate food containing large amounts of PCBs for short periods of time had mild liver damage and some died. Animals that ate smaller amounts of PCBs in food over several weeks or months developed various kinds of health effects, including anemia; acne-like skin conditions; and liver, stomach, and thyroid gland injuries. Other effects of PCBs in animals include changes to the immune system, behavioral alterations, and impaired reproduction.

A few studies of workers indicate that PCBs were associated with certain kinds of cancer in humans, such as cancer of the liver and biliary tract. Rats that ate food containing high levels of PCBs for two years developed liver cancer. The Department of Health and Human Services (DHHS) has concluded that PCBs may reasonably be anticipated to be carcinogens. The EPA and the International Agency for Research on Cancer (IARC) have determined that PCBs are probably carcinogenic to humans.¹

Actual or potential contamination of drinking water supplies or sensitive ecosystems [§300.415(b)(2)(ii)];

The facility is designed so most of the flow from the grounds would go into the Kennebec River. The Kennebec is a multi-use river, providing sustenance and recreational activities.

¹ Agency for Toxic Substances and Disease Registry (ATSDR), U.S. Health and Human Services, Public Health Service, *ToxFAQ Fact Sheet for Polychlorinated Biphenyls*, February 2001.

Any hazardous substances which may be contained in the charged lines, could be potentially released as a result of vandalism or freeze-related rupture, and could potentially flow into the Kennebec River.

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)];

In addition to evidence of vandalism at the site, it appears that trespassers have been actively scavenging copper, in the form of electrical cables and wire. Electrical equipment at the site, which contains PCB contaminated oil, is likely to contain copper, and as such present a target for additional scavenging. Any attempt to scavenge the copper would likely result in exposure to, and release of, the PCB contaminated oil.

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

Charged lines were used to transfer hazardous substances throughout the facility. These chemicals are capable of freezing in the temperature ranges present in central Maine during winter, and as such there was a high probability that charged lines could rupture and release their contents if they were not kept warm. During the site investigation, on September 6, 2006, EPRB personnel observed that a charged line containing alum had apparently ruptured in one of the buildings.

Any of these lines, which may still contain hazardous substances, could rupture, through continued exposure to winter temperatures, resulting in a subsequent release.

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

Continued response actions detailed below and in the Action Memorandum dated September 22, 2006 will be implemented to protect public health, welfare and the environment. The response actions detailed below include the removal of PCB contaminated oil from electrical equipment, and the removal of hazardous substances from charged lines at the Site. If these measures are not addressed, there will be a continued threat to public health, welfare and the environment posed by conditions at the Site.

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

Neither state nor local authorities have the resources to address the Site. The DEP has recently sought additional assistance from EPA in addressing the environmental hazards that the Site presents.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

This proposed removal action will protect public health, welfare and to the environment by removing PCB contaminated oil and hazardous substances from the Site.

Removal actions will include:

1. Provide a Response Manager for the initial site visit and coordinate the site mobilization date with the OSC
2. Provide site security as appropriate during removal activities
3. Provide for electrical power to the site
4. Removal and collection of remaining PCB contaminated oil from electrical equipment (this may include the actual removal of the electrical equipment)
5. Conducting an expanded evaluation of potentially charged lines throughout the facility, and emptying and collecting hazardous substances from those charged lines which may pose a threat of release
6. Provide analytical services in support of disposal determinations
7. Off-site transportation of the material (hazardous substances, hazardous materials, pollutants or contaminants) for either reuse or disposal.

2. Community relations

See Action Memorandum dated September 22, 2006.

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

See Action Memorandum dated September 22, 2006.

5. Applicable or relevant and appropriate requirements (ARARs)

See Action Memorandum dated September 22, 2006.

6. Project schedule

It is estimated that three to four weeks are necessary to allow for the removal of PCB contaminated oil from electrical equipment and the removal of the hazardous substances from the charged lines throughout the facility. Once this is accomplished, disposal and reuse options for these chemicals will be considered. It is expected that transportation and disposal can be carried out within four months.

B. Estimated Costs

The proposed actions will not require additional costs above the previously approved ceiling in the Action Memorandum dated September 22, 2006. The original cost estimate is provided:

COST CATEGORY		CEILING
<i>REGIONAL REMOVAL ALLOWANCE COSTS:</i>		
ERRS Contractor		\$1,000,000.00
Interagency Agreement		\$0,000.00
<i>OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:</i>		
START Contractor		\$250,000.00
Extramural Subtotal		\$1,250,000.00
Extramural Contingency	10%	\$125,000.00
TOTAL, REMOVAL ACTION CEILING		\$1,375,000.00

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

As access to the facility is not restricted, delayed action will increase the risk of trespassing and vandalism. This in turn leads to increased contact and/or inhalation threats to near-by residents and cleanup personnel accessing the facility as well as the adjacent Kennebec River and other sensitive areas.

VII. OUTSTANDING POLICY ISSUES

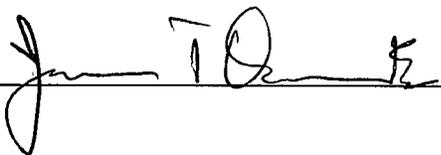
There are no precedent-setting policy issues associated with this site.

VIII. ENFORCEMENT ... For Internal Distribution Only

See Attached Enforcement Strategy.

IX. RECOMMENDATION

Conditions at the Site meet the criteria for the CERCLA Section 104(c) emergency exemption, and I recommend your approval of an exemption to the 12 month statutory limit to allow a continued removal response.

APPROVAL: 

DATE: 9/8/08

DISAPPROVAL: _____

DATE: _____