



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: December 2, 2008

SUBJ: Request for a Removal Action at the St. John's Cemetery Site,
Monroe, Fairfield County, CT - **Action Memorandum**

FROM: Catherine Young, On-Scene Coordinator *DMC*
Emergency Response and Removal Section I

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

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

TO: *J* James T. Owens, III, Director *JO*
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 St. John's Cemetery Site, (the Site), which is located at 500 Moose Hill Road in Monroe, Fairfield County, Connecticut. Hazardous substances present 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# :
SITE ID# : 01FI
CATEGORY : Time Critical

A. Site Description

1. Removal Site evaluation

The Connecticut Department of Environmental Protection (CTDEP) conducted an emergency response stemming from a report from the owner of St. John's Cemetery, a privately owned and operated property, regarding drums found at the Site, and excavated several of them from a wooded area. Samples taken from polymerized material in the drums found elevated levels of polychlorinated biphenyls (PCB), volatile organic compounds (VOC), semi-volatile organic compounds (SVOC), and metals. On November 25, 2008, CTDEP verbally requested that the EPA Emergency Planning and Response Branch (EPRB) provide support to continue excavation and disposal activities.

2. Physical location

The St. John's Cemetery Site is located at 500 Moose Hill Road, Monroe, Fairfield County, Connecticut at a latitude of 43° 19' 24.21" north and at a longitude of 73° 12' 07.43" west. According to the EPA Region 1 Environmental Justice Mapping Tool, the Site is not in an environmental justice area.

3. Site characteristics

The Site covers an area of approximately 52.42 acres, is relatively flat and is located within a residential area. Prior to its current use as a cemetery, the property was used as an airport. Drums and containers have been identified in wooded areas of the property located at a rear section of the cemetery. The contaminants of concern are volatile organic compounds (VOC), semi-volatile organic compounds (SVOC), metals and polychlorinated biphenyls (PCB).

Surrounding the Site are the following:

To the west and south: residential homes and wooded areas;

To the east: Moose Hill Road and residential homes;

To the north: residential homes and Shelton Road (Route 110).

The Site was acquired in 2003 by St. John the Baptist Greek Catholic Cemetery Association, Inc. Residential properties located near the property are served by private drinking water wells.

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

Hazardous substances are present in buried drums and contaminated soils. CTDEP collected samples of product contained in drums removed from the Site. Analysis detected PCB's in the range of 7 ppm to 2,100 ppm, and elevated levels of VOC's, SVOC's, and metals.

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. **Previous actions** - None.
2. **Current actions** - None.

C. State and Local Authorities' Roles

1. State and local actions to date

See Section A.1. above.

2. Potential for continued State/local response

CTDEP and the Town of Monroe currently do not have the resources to address contamination at the Site. The OSC will request assistance from State and/or local agencies if appropriate opportunities for assistance arise.

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)];

Concentrations of PCB's, VOC's and SVOC's found at the Site exceed levels considered safe to public health. Since the Site is a cemetery and access is uncontrolled, it presents a contact threat to persons entering onto the property.

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

Residential homes located near the Site draw their drinking water from private wells, which may be potentially contaminated from hazardous substances or pollutants from the Site.

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)];

Buried drums containing elevated levels of hazardous substances have been located at the Site and have the potential for contaminating soils and groundwater.

High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate; [§300.415(b)(2)(iv)];

Samples taken by CTDEP from drums found near the surface of the Site found concentrations of PCB's ranging from 7 ppm to 2,100 ppm as well as elevated concentrations of VOC's, SVOC's and metals. Contaminated soils and hazardous substances may migrate onto adjacent residential properties.

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

Due to its location within a residential area, runoff from the contaminated area of the Site may enter onto nearby properties.

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

State and local agencies do not have available resources to address the contamination at the Site.

The following is information made available through the *US Department of Health and Human Services, Public Health Service*, and the *Agency for Toxic Substances and Disease Registry* for the health effects of PCB's:

Polychlorinated Biphenyls (PCB'S)

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. PCB exposures in the general population are not likely to result in skin and liver effects. Women who were exposed to relatively high levels of PCBs in the workplace or ate large amounts of fish contaminated with PCBs had babies that weighed slightly less than babies from women who did not have these exposures. Babies born to women who ate PCB-contaminated fish also showed abnormal responses in tests of infant behavior. Some of these behaviors, such as problems with motor skills and a decrease in short-term memory, lasted for several years. Other studies suggest that the immune system was affected in children born to and nursed by mothers exposed to increased levels of PCBs. 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.

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

To address the threat to public health and the environment at the Site, the following actions are proposed:

- Conduct a Site walk with EPA contractors;
- Provide site security to prevent access to contaminated areas, as necessary;
- Conduct sampling to determine the extent of surface and sub-surface contamination to the extent practicable;
- Excavate and dispose of drums and containers;
- Excavate contaminated soils and treat, if necessary, prior to disposal;
- Provide water to residents affected by contaminated wells, as necessary;
- Dispose of materials in accordance with 40 CFR Part 300.440 *Procedures for Planning and Implementing Off-Site Response Actions*;
- Backfill excavated areas with clean fill;
- Repair any response-related damage.

2. Community relations

EPA will remain involved with the local community during the course of the removal action through press releases, fact sheets and public meetings, as necessary.

3. Contribution to remedial performance

¹In accordance with OSWER Directive 9360.0-34, an endangerment determination is made based on relevant action level or clean-up standards promulgated by the federal government or the applicable state.

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 currently planned for the Site but options may be examined, if necessary, as the removal action progresses.

5. Applicable or relevant and appropriate requirements (ARARs)

Federal ARARs:

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

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

49 CFR Parts 171-179 : Department of Transportation Regulations for Transport of Hazardous Materials

State ARARs:

The OSC will coordinate with CTDEP to identify additional State ARARs, if any. In accordance with the National Contingency Plan and EPA Guidance Documents, the OSC will determine the applicability and practicability of complying with each ARAR which is identified in a timely manner.

6. Project schedule

EPA anticipates commencement of removal activities within one week of the signing of this Action Memorandum. The completion of the removal action is expected to be within ten months of its commencement.

B. Estimated Costs

COST CATEGORY		CEILING
<i>REGIONAL REMOVAL ALLOWANCE COSTS:</i>		
ERRS Contractor		\$1,500,000.00
Interagency Agreement		\$ 0.00
<i>OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE</i>		
START Contractor		\$150,000.00
Extramural Subtotal		\$1,650,000.00
Extramural Contingency	10%	\$165,000.00
TOTAL, REMOVAL ACTION CEILING		\$1,815,000.00

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

A delay in response actions will present a continued threat to public health and the environment through continual runoff of contaminated soils into Goosefare Brook. A direct contact threat exists to persons accessing the area through an unsecured section of the property.

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 \$1,815,000 (extramural costs) + \$150,000 (EPA intramural costs) = \$1,965,000 X 1.3151 (regional indirect rate) = **\$2,584,171²**.

IX. RECOMMENDATION

This decision document represents the selected removal action for the St. John's Cemetery Site in Monroe, CT, developed in accordance with CERCLA, as amended, and not inconsistent with the National Contingency Plan. The basis for this decision will be documented in the administrative record to be established for the Site.

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)];

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

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)];

High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate; [§300.415(b)(2)(iv)];

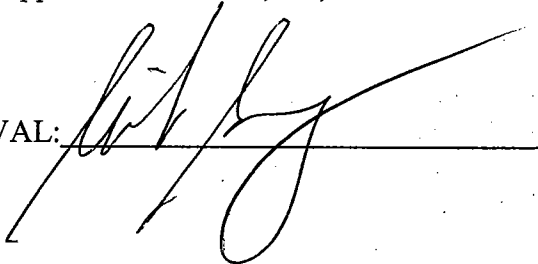
Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released; [§300.415(b)(2)(v)];

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

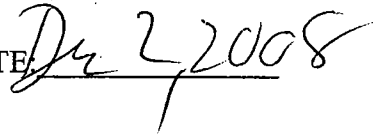
²Direct Costs include direct extramural costs \$1,815,000 and direct intramural costs \$150,000. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of Site specific costs [31.51% x \$1,815,000], consistent with the full accounting methodology effective October 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.

I recommend that you approve the proposed removal action. The total removal action project ceiling if approved will be \$1,815,000.

APPROVAL: _____

A large, stylized handwritten signature in black ink, written over the approval line.

DATE: _____

The date "Dec 2, 2008" is handwritten in black ink over the date line.

DISAPPROVAL: _____

DATE: _____