



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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

**MEMORANDUM**

**DATE:** 10 August 2009

**SUBJ:** Request for a Ceiling Increase at the Peabody Street Asbestos Site, Salem, Essex County, Massachusetts - **Action Memorandum**

**FROM:** Richard A. Haworth, On-Scene Coordinator *RAH*  
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

*for* **TO:** James T. Owens III, Director  
Office of Site Remediation and Restoration *Jim Owens*

**I. PURPOSE**

The purpose of this Action Memorandum is to request and document approval of a ceiling increase at the Peabody Street Asbestos Site (the Site), which is located at 15 Peabody Street in the City of Salem, Massachusetts. Additional funding is necessary to complete the planned removal action, specifically, to dispose of contaminated soil that has been excavated. If not addressed by implementing the response actions selected in this Action Memorandum, hazardous substances present will continue to pose a threat to human health and the environment.

**II. SITE CONDITIONS AND BACKGROUND**

**CERCLIS ID# :** MAN000103305  
**SITE ID# :** 01BM  
**CATEGORY :** Time-Critical

Please refer to the attached copy of the original action memorandum for more information on the topics below. Only new or changed information is presented in this document.

**A. Site Description**

**1. Site characteristics**

Between 24 June and 30 July 2009, the ERRS contractor completed excavating an estimated 2000 tons of contaminated soil: 800 tons more than the originally thought to be present. The depth of excavation varied from one to three and one-half feet, in accordance with the agreed upon excavation plan provided by the City, which was established to achieve compliance with depth-of-cover requirements provided by Massachusetts' asbestos regulation. Over much of the site, the depth of excavation called for could not be attained due to encountering previously unidentified concrete foundations. As anomalies were encountered, they were measured and documented on a series of site sketches and provided to City officials. The information was used to redesign the park concurrent with the excavation, such that a new plan that still met depth-of-cover requirements was ready for construction on the same day EPA completed backfilling.

The extent of the excavation was sampled, marked with geotextile fabric and plastic orange fence, and then filled with clean soil from off site. Stockpiled soil is located on a parcel of land adjacent to the site, per an agreement reached prior to initiating this removal action. It is covered with plastic as a temporary measure to prevent the migration of asbestos.

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

In addition to the hazardous substance asbestos identified in the original action memorandum, analysis of the excavated soil confirms that other hazardous substances are present, including but not limited to, arsenic, lead, and several semi-volatile organic compounds.

**B. Other Actions to Date**

For information about activities prior to the ongoing removal action, please refer to the attached copy of the original action memorandum.

**C. State and Local Authorities' Roles**

For information on State and local authorities' roles, please refer to the attached copy of the original action memorandum.

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

For information about threats to public health or welfare and the environment, please refer to the attached copy of the original action memorandum.

### **IV. ENDANGERMENT DETERMINATION**

Actual or threatened releases of hazardous substances from this Site, if not addressed by continuing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.<sup>1</sup>

### **V. PROPOSED ACTIONS AND ESTIMATED COSTS**

#### **A. Proposed Actions**

##### **1. Proposed action description**

Additional funding will be used to transport and dispose of stockpiled soil at a secure landfill approved to receive waste from a CERCLA site.

Repairing response-related damage will be performed if necessary, pending coordination with the property owner where the soil is stockpiled. Much of the chain-link fence separating the properties was removed to accommodate excavation, and a limited repair implemented. In the stockpile area, one small tree may need to be replaced, and grass re-planted.

##### **2. Description of alternative technologies**

All vendors solicited to dispose of the contaminated soil present recommended a landfill as the most viable option.

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<sup>1</sup> 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."

### 3. Other Considerations

For information on community relations, contribution to remedial performance, and applicable or relevant and appropriate regulations, please refer to the original action memorandum.

### 4. Project schedule

As a disposal facility has already been identified for receipt of the contaminated soil, it is expected shipment will begin shortly after additional funding is available, and be completed by the end of August, 2009.

### B. Estimated Costs

COST CATEGORY	CURRENT CEILING	COSTS TO DATE	PROPOSED CEILING
<i>REGIONAL REMOVAL ALLOWANCE COSTS:</i>			
ERRS Contractor	\$270,000.00	\$170,000.00	\$470,000.00
Interagency Agreement (USACE)	\$0.00	\$0.00	\$0.00
<i>OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:</i>			
START Contractor	\$100,000.00	\$55,000.00	\$200,000.00
Extramural Subtotal	\$370,000.00	\$0.00	\$670,000.00
Extramural Contingency (30%)	\$74,000.00	\$0.00	\$201,000.00
<b>TOTAL REMOVAL ACTION CEILING</b>	<b>\$444,000.00</b>	<b>\$225,000.00</b>	<b>\$871,000.00</b>

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

If the response action that has been previously authorized is not completed, conditions at the Site will persist. Hazardous substances will remain on-site, and continue to pose the threats to public health or welfare and the environment, as outlined in the original action memorandum.

### VII. OUTSTANDING POLICY ISSUES

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

## VIII. ENFORCEMENT ... For Internal Distribution Only

The Enforcement Strategy is attached to the original action memorandum. No changes have been made at the time this funding request was submitted.

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 \$871,000.00 (extramural costs) + \$150,000.00 (EPA intramural costs) = \$1,021,000.00 X 1.33 (regional indirect rate) = \$1,358,000.00<sup>2</sup>

## IX. RECOMMENDATION

This decision document represents the selected removal action for the Peabody Street Asbestos Site in Salem, Massachusetts, developed in accordance with CERCLA, as amended, and is not inconsistent with the National Contingency Plan. The basis for this decision has been documented in the administrative record that has been established for the Site.

Conditions at the Site continue to meet the NCP Section 300.415(b)(2) criteria for a removal action as outlined below (all criteria from the original action memorandum).

*Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [§300.415(b)(2)(i)];*

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

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

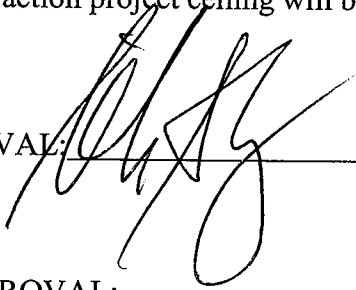
*The availability of other appropriate Federal or State response mechanisms to respond to the release [§300.415(b)(2)(vii)].*

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<sup>2</sup>Direct Costs include direct extramural costs \$ 871,000.00 and direct intramural costs \$150,000.00. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific costs [33% x \$1,021,000.00], 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 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 ceiling increase. If approved, the revised total removal action project ceiling will be \$871,000.00.

APPROVAL: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'M. J. G.', written over a horizontal line.

DATE: \_\_\_\_\_

8-12-09

DISAPPROVAL: \_\_\_\_\_

DATE: \_\_\_\_\_