UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
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Boston, MA 02109-3912

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: February 9, 2010

SUBJ: Request for a Removal Action at the Omo Manufacturing Site
Formerly known as the Marino Property Site
Middletown, Connecticut - **Action Memorandum**

FROM: Janis K. Tsang, On-Scene Coordinator
Emergency Response and Removal Section I

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

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 Omo Manufacturing Site (the Site), located in Middletown, Connecticut. Hazardous substances present in soil, sediment and buried 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# : CTD062199369
SITE ID# : 01M3
CATEGORY : Time-Critical

A. Site Description

1. Removal site evaluation

At the request of Connecticut Department of Environmental Protection (CTDEP), the EPA Removal Program (EPA) conducted a Preliminary Assessment/Site Investigation (PA/SI) at the Omo Manufacturing Site (the Site) from April to August 2009. The PA/SI included collecting surface and subsurface soil, groundwater, and buried containers samples. The sampling results confirmed the presence of the hazardous materials indicated below in Table 1. This led to the recommendation by the OSC that a time-critical removal action be conducted.

2. Physical location

The Site, located at 50 Walnut Street in Middletown, Middlesex County, Connecticut, is in a mixed commercial/residential area. It is bordered to the north by River Road and railroad tracks, to the east by Walnut Street and residential homes, to the south by Route 9 and state-owned land, and to the west by a wooded area, a drainage ditch, state-owned land and Sumner Brook. Geographic coordinates are 41° 33' 59" north latitude and 72° 39' 05" west longitude. The property is approximately 600 feet south of the Connecticut River, which is designated as an American Heritage River.

3. Site characteristics

The 10.2-acre property is generally flat. It consists of two buildings (Buildings Nos. 1 and 2) on the eastern/southeastern sides of the property, an open yard to the west of the buildings, and a parking area/vacant lot east of Walnut Street. The open yard, once known to be used as a landfill, is approximately 4-acres in size. It is currently used for staging various pieces of heavy equipment, vehicles in various states of disrepair, disabled trailers, a "diner" trailer, and miscellaneous construction debris and materials such as fill, concrete blocks, and scrap steel. An asphalt/dirt access road located immediately west of the buildings runs from the River Road entrance, south, following the edge of the two buildings and exiting on Walnut Street through a pair of locked swing gates. Several above-ground storage tanks (ASTs) with approximately 5,000 gallons or greater are adjacent to the buildings.

Building No. 1 on the northeastern portion of the Site is approximately 35,600 square feet in size; Building No. 2 on the southeastern portion is approximately 18,600 square feet in size. Both buildings have been modified and added to in stages. Various parts of the roofs are in disrepair, and exterior cracks were observed in different areas.

The property is partially restricted by a discontinuous chain-link fence, with openings in the northwest corner and along the western edge. The nearest residence is located less than 50 feet east of Building No. 2. A parking area/vacant lot is located east of Building 1 across Walnut Street. A drainage ditch approximately 20 feet deep by 10 feet wide is located west of the property. Surface runoff from the Site drains via the drainage ditch into Sumner Brook, ultimately discharging into the Connecticut River. In addition, various culverts are located adjacent to the on-site buildings; however, their discharge points are unknown at this time.

The Site is owned by RLO Properties, Inc. Mr. Salvatore Marino, Jr. (a/k/a "JR"), who identifies himself as the representative of RLO Properties, reportedly leases the Site buildings and the yard to several businesses and private tenants who use the space for various types of activities, including: woodworking; auto body repair; construction contracting; a landscaping company; antique collection; general storage; and office space. The northern portion of the property is located within the 100-year flood plain of the Connecticut River and is seasonally flooded.

Four (4) 20- and 40-pound propane cylinders are located adjacent to the exterior of Building No. 2. There are numerous above-ground storage tanks[1] (ASTs) containing either No. 2 fuel oil or blacktop sealant at various locations. Some are mobile containers and some are permanent. The fuel oil-containing ASTs range in capacity from 275 gallons to an estimated 5,000 gallons; the blacktop sealant-containing ASTs range from approximately 5,000 to 8,000 gallons.

The status and usage of two underground storage tanks (USTs) and a gasoline pump reportedly in the central portion of the Site is unknown.

The piles of construction debris, top soil, brick, concrete blocks, tree stumps, and gravel are located along the northern property boundary. In addition, there are piles of asphalt millings along the western property boundary in the central portion of the Site. Several stained soil areas of various sizes (generally suspected petroleum staining) were observed. "Fresh" petroleum sheens were observed throughout the Site and within the drainage ditch during EPA's site visits and sampling activities.

In late 1800s, Omo Manufacturing Company built a rubber and artificial leather factory at the Site which operated until approximately 1934. Subsequent rubber manufacturers and other manufacturing entities operated it until 1973. From 1930s to 1955, the 4-acre open yard was used by the City of Middletown as a municipal landfill for municipal and incinerator wastes from the City's incinerator. Waste oils, paints, unknown industrial wastes, and refuse from the rubber and artificial leather manufacturing processes were reportedly buried there. According to the available information from the CTDEP Site file, the northern portion of the Site was once wetlands and was filled in by Mr. Salvatore Marino, Sr. in the mid 1970's. The depth of the fill ranged from 3 feet to 20 feet and consists of sand, silt, gravel, bricks, glass, wood, metal, plastic, ashes and wire.

An unconfined aquifer composed of till and fine-grained stratified drift that consists of clay, silt, sand, and gravel is known to be under the property. There are eight groundwater monitoring wells located throughout the Site. The groundwater flow direction is believed to be from southeast to northwest, towards the drainage ditch and Sumner Brook.

The groundwater classification for the area is "GB," which means that the water cannot be presumed suitable for direct human consumption without prior treatment. A cluster of 10 overburden public drinking water supply wells, known as the John S. Roth Wellfield, are located 0.6 mile northeast from the Site. The State of Connecticut has determined that the Site is located outside the boundaries of the wellhead protection area. A file review conducted at the

[1] The Site is subject to the EPA Spill Prevention, Control and Countermeasure (SPCC) rule.

Middletown Water Department indicates that there are approximately 2 residences approximately 1.0 mile to the southeast that are served by private drinking water supply wells. According to the U. S. Census 2000 Data, approximately 2,359 people reside in the City of Middletown within one-half mile of the Site. The EPA Region 1 Environmental Justice Mapping Tool indicates the Site is in a low income and minority environmental justice area.

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

The PA/SI sampling results confirmed the release the hazardous materials listed in Table 1 to soil.

Substances	Range of concentrations in soil (ppm)	Range of concentrations In product (ppm)	CT RSR I/C DEC[1] (ppm)	CT RSR PMC[2] GB areas (ppm unless unit specified)
1,2,4-Trimethylbenzene	360 to ND	2900 to ND	1000	70
1,3,5-Trimethylbenzene	140 to ND	910 to ND	1000	70
2-Butanone (MEK)	2300 to ND	97000 to 5300	1000	80
2-Propanone (acetone)	190 to ND	440 to ND	1000	140
4-Methyl-2-Pentanone (MIBK)	1800 to ND	11000 to 1140	1000	14
Arsenic	110 to ND ***	ND	10	0.5[4] mg/l
Benzene	170 to ND	35000 to ND	200	0.2
Bis(2-ethylhexyl)phthalate	22000 to 0.78	38000 to ND	410	11
Butylbenzlphthalate	40 to ND	25000 to 22	2500	200
Chlorobenzene	110 to ND	ND	1000	20
Di-n-octyl phthalate	1600 to ND	2100 to ND	2500	20
Ethylbenzene	250 to ND	1090 to ND	1000	10.1
Isopropylbenzene	23 to ND	120 to ND	1000	132
Lead	3700 to 190 ***	3100 to 160	1000	0.15[4] mg/l
Naphthalene	17 to ND	95 to ND	2500	56
N-Butylbenzene	72 to ND	380 to ND	1000	14
N-Propylbenzene	55 to ND	340 to ND	1000	14
Para-Isopropyltoluene	38 to ND	230 to ND	1000	41.8
PCBs (Aroclor-1260)	740 to ND **	8100 to 230	10	0.005[4] mg/l
Sec-Butylbenzene	38 to ND	170 to ND	1000	14
Tert-Butylbenzene	ND	21 to ND	1000	14
Tetrahydrofuran	540 to ND	26000 to ND	NA	NA
Toluene	8200 to ND	160000 to 11000	1000	67
Total Xylene *	1500 to ND	7800 to 470	1000	19.5
Trichloroethylene	ND	30 to ND	520	1
Vinyl chloride	ND	25 to ND	3	0.4

TABLE 1 – CONTAMINANTS FOUND AT OMO MANUFACTURING SITE

Notes:
(1) CT RSR PMC = Connecticut Remediation Standards Regulation Pollutant Mobility Criteria (in part-per-million, ppm)
(2) CT RSR I/C DEC = Connecticut Remediation Standards Regulation Industrial/Commercial Direct Exposure Criteria (ppm)
(3) NA = Not available
(4) PMC for heavy metals and PCBs by Toxicity Characteristic Leachate Procedure (TCLP) or Synthetic Precipitation Leachate Procedure (SPLP) in milligram per liter
(5) ND = Not detected
* Total Xylene = M/P Xylene +Ortho Xylene lab result values
** Results of both field screening and fixed laboratory analysis for PCBs
*** Results of both field XRF screening and fixed laboratory analysis for metals

All of the above-referenced compounds and heavy metals are hazardous substances/pollutants/ contaminants as defined by Section 101(14) of CERCLA and continue to be released into the environment via surface erosion and runoff to a nearby drainage ditch, infiltration to groundwater, and/or weather conditions, and pose a public health threat to on-site workers, tenants and nearby residents.

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

Since the referral of the Site by CTDEP in April 2009, EPA has conducted groundwater sampling of the on-site monitoring wells, geophysical survey utilizing EM-31 and Magnetometer at the northwestern portion of the Site [herein described as Area of Investigation 1 (Area 1)], excavation of six (6) test pits in Area 1, sediment sampling[2] at the drainage ditch and Sumner Brook, and surface soil sampling[3].

C. State and Local Authorities' Roles

1. State and local actions to date

Complaints received by CTDEP Waste, Engineering, Enforcement Division (WEED) from former employees of Omo Manufacturing Company in May 1983 about alleged disposal of wastes at the Site by several companies[4] and the City of Middletown resulted in CTDEP conducting inspections and collecting samples as follow-up investigations of the alleged activities. In October 1990, CT DEP Site Remediation and Closure Division (SRCD) referred the Site to the EPA Removal Program for an investigation and potential removal of buried drums containing unknown chemical liquids. EPA conducted a PA/SI and subsequently determined that the Site did meet removal criteria due to the findings of buried drums/containers of hazardous substances. However, a removal action was not initiated at that time for reasons that the case file does not explain.

In September 1999, at the request of CTDEP, EPA conducted a second Removal PA/SI. Subsequently, EPA and CTDEP determined that a Removal Action should be held off, in order to allow a Comprehensive Site Assessment and Hydraulic Study to be coordinated between the

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[2] Sediment sampling was conducted in October 2009 and awaiting the sampling trip report to be completed in February 2010.

[3] Surface soil sampling was conducted in November 2009 and awaiting the sampling trip report to be completed in late February 2010.

[4] Omo Manufacturing Company, Middletown Rubber Corporation, Middletown Industries, and Hildebrand Industries, Inc.

pre-remedial programs of EPA and CT DEP. Although the reasons for this are not identified in the case file, this was likely an effort to identify alternatives to committing limited EPA Removal Program funding to this potentially very expensive, but relatively (at that time) low priority Site.

In April 2009, CTDEP again referred the Site to EPRB for a removal evaluation, which led to this Action Memorandum.

2. Potential for continued State/local response

CTDEP will provide state applicable or relevant and appropriate requirements (ARARs), as well as community relations and technical support, and regulatory guidance.

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)];

The contamination in the soil is potentially accessible to on-site workers and tenants through direct contact, inhalation, and ingestion. Hazardous substances present include heavy metals such as arsenic and lead, volatile organic compounds (VOCs) including benzene, TCE and vinyl chloride, PCBs, and semivolatile organic compounds (SVOCs) such as bis(2-ethylhexyl) phthalate, butylbenzylphthalate, and di-n-octyl phthalate. The closest residences are less than 50 feet east of Building No. 2.

Inorganic arsenic[5] is a known human carcinogen. Exposure to arsenic can cause low birth weight, fetal malformations, fetal death, lower IQ scores in children and increased mortality in young adults. Exposure to lead can cause damage to nervous system, brain and kidneys; adverse effects on reproduction[6]; and, in cases of high exposure, death. Exposure to benzene, a known human carcinogen, can cause convulsions, rapid heart rate and death[7]. Exposure to TCE, a possible human carcinogen, can cause nausea, somnolence, tremors, vomiting, dermatitis and cardiac arrhythmias[8]. Exposure to the carcinogen vinyl chloride can cause liver cancer and damages to the central nervous system, respiratory and lymphatic system, and failure of the blood clotting mechanism[9]. PCBs are suspected of causing certain kinds of cancer in humans, such as cancer of the liver and biliary tract[10].

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

Sumner Brook, Connecticut River and the wetlands in the area are sensitive ecosystems. Surface runoff/leachate from the Site drains into the drainage ditch and into Sumner Brook which ultimately discharges into the Connecticut River, an American Heritage River. The 1995 Site Inspection report prepared by the CDM Federal Programs Corporation Alternative Remedial

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[5] *Agency for Toxic Substances and Diseases Registry (ATSDR) Toxicological Profile for Arsenic. (August 2007)*
[6] *ATSDR Toxicological Profile for Lead. (August 2007)*
[7] ATSDR *Toxicological Profile for Benzene, (August 2007)*
[8] ATSDR *Toxicological Profile for trichloroethylene. (July 2003)*
[9] ATSDR *Toxicological Profile for vinyl chloride. (July 2006)*
[10] ATSDR *Toxicological Profile for polychlorinated biphenyls. (February 2001)*

Contracting Strategy (ARCS) indicated that elevated concentrations of one VOC, 19 SVOCs, two pesticides, and 16 total metals were detected in the sediment samples from the drainage ditch. These results suggest that contamination may be migrating off-Site into the drainage ditch, which ultimately discharges into Sumner Brook and the Connecticut 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)];

During the August 2009 SI, up to 20 five to ten gallon containers which still contained product were uncovered in one of the test pits. Three were sampled and determined to contain toxic and flammable substances including PCBs, benzene and toluene at concentrations as high as 8,400 ppm, 35,000 ppm, and 160,000 ppm, respectively.

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)];

The August 2009 surface soil sampling revealed that surface soil in Area 1 is contaminated with PCBs, arsenic and lead with maximum concentrations ranging up to 740 ppm, 110 ppm, and 3700 ppm respectively. Surface runoff/leachate from the Site drains into the drainage ditch and into Sumner Brook which ultimately discharges into the Connecticut River, an American Heritage River. The 1995 Site Inspection report prepared by EPA's CDM Federal Programs Corporation Alternative Remedial Contracting Strategy (ARCS) contractor indicated that elevated concentrations of one VOC, 19 SVOCs, two pesticides, and 16 total metals were detected in the sediment samples from the drainage ditch. These results suggest that contamination is migrating off-Site.

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

A portion of the Site is frequently flooded and lies within the 100-year flood plain of the Connecticut River. Continual storm water and surface runoff and erosion will likely exacerbate the release of hazardous substances/pollutants/contaminants into the environment, leading to the contamination of a larger area, and increasing the likelihood for exposure by on-site workers, tenants and the nearby public.

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

CTDEP stated in a May 11, 2009 letter to EPA that they had no resources to conduct a removal action at the Site. Past inquiries have shown that there are no other federal response mechanisms that apply here.

Other situations or factors that may pose threats to public health or welfare of the United States or the environment [§300.415(b)(2)(viii)].

The Site is currently active. Heavy construction equipment is frequently used on Site by the tenants and on-site workers. As a result, surface conditions are frequently disturbed by the equipment traffic, likely spreading surface contamination. Exposure to the contamination by on-site workers and tenants has not been documented, but is possible.

Potential for temporary relocation of some tenants/business operations.

It may be necessary for EPA to relocate several tenants and/or their businesses, in whole or in part, while the removal action is being performed, for one or more of the following reasons:

- Due to the potential for negative impacts to human health during the course of the removal action, as identified elsewhere in this document;
- To improve on-Site safety of tenants and/or EPA contractors; and/or
- In the interest of overall efficiency of the removal action.

If deemed necessary after further investigation, temporary relocation of tenants and /or their businesses will be performed in a manner that is consistent with EPA guidance titled "*Superfund Response Actions: Temporary Relocations Implementation Guidance, OSWER Directive 9230.0-97, April 2002.*"

Concern about the potential for risk to human health through inhalation is supported by data collected during the August 2009 test excavation of test pit 04/09, located approximately 180 feet west of the edge of the building No. 1, which showed elevated VOC readings as high as 2,197 VOC units. In addition, tests showed a 9% Lower Explosion Limit (LEL) on a MultiRAE instrument at the test pit excavation and in vicinity of the pile staged next to the test excavation. A sweet, pungent odor which is a characteristic of some solvents was noted in the support zone located approximately 80 feet from the test pit. A VOC reading of 23 units above background on a MultiRAE in ambient air was noted at the edge of the contamination reduction zone (CRZ)/support zone boundary located approximately 180 feet away from the test pit. Elevated ambient air readings within the support zone lasted a brief time (less than 5 minutes). As a result, EPA ceased further test excavation and backfilled the area. EPA believes that there could be an increased chance of exposure to VOCs by the business tenants during excavation of areas close to the building. The extent of impact to tenants and/or their businesses located in the building and/or near the loading dock just outside the building will be further evaluated during the planned extent-of-contamination study, and relocation pursued if data supports a finding of unacceptable inhalation risk for tenants/building occupants.

Yard Area

It will likely be necessary to relocate the business operations and/or property belonging to Site owner and/or tenants who operate or store business property in the yard area (likely impacting from one to six entities[11]). The yard area includes the broad swath of land west of the buildings. EPA will first seek to identify owners of the antique cars, car parts, and various construction debris and equipment located in the yard area. After determining ownership of these items, we will need to assess their value and consider whether or not it is appropriate to either temporarily relocate these items, or dispose of them as part of the removal action. Decisions about the ultimate disposition of these items will depend not only on their value/ownership status, but also on the results of the planned extent-of-contamination study. It may be necessary for EPA to arrange for the relocation and/or

[11] The property owner's representative, JR Marino reports that from one to six tenants use the yards.

disposal of these items if they are contaminated (or likely to be contaminated) with PCBs, metals and SVOCs.

Heavy construction equipment is frequently used during investigative and response actions. Contaminants may be released during performance of the removal action via fugitive dusts contaminated with PCBs and heavy metals or VOCs vapors, and such dusts and vapors pose safety concerns.

IV. ENDANGERMENT DETERMINATION

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

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

- Conduct a site walk with the Emergency Rapid Response Service (ERRS) cleanup contractor for removal planning.
- Conduct gross decontamination of on-site heavy equipment, vehicles and other materials that can be decontaminated before relocating them off-site for staging.
- Conduct transportation and disposal of materials that are currently staged on-site but cannot be decontaminated.
- Assemble a relocation team[12] if necessary.
- Conduct boundary and topographical (land and aerial) surveys to establish base line references (e.g., elevation) for removal planning when deemed necessary.
- Conduct geophysical surveys to locate additional areas of buried drums/containers.
- Conduct residential vapor intrusion studies if deemed necessary.
- Collect additional samples as needed for extent-of-contamination estimates. This may include, but not be limited to, soil samples, a soil gas survey to further delineate the extent-of-contamination, and drinking water sampling at nearby public and private drinking water wells.

[12] The team may include the On-Scene Coordinator, Community Involvement Coordinator (CIC), ERRS Contractor, and representatives from the Office of Regional Counsel (ORC), the United States Army Corps of Engineers (USACE), and state/local government officials.

- Evaluate cleanup methods using data obtained from soil and water samples. The possible options to be considered include capping, removing (via excavation, treatment and disposal), or otherwise stabilizing the contaminated soils, and/or a combination of all of the above.

- Conduct applicable groundwater monitoring.

- Conduct sampling and removal of buried drums, containers, or debris, as necessary.

- Provide erosion control measures where necessary.

- Provide site security if deemed necessary.

- Perform de-watering and water treatment operations to facilitate excavation if necessary.

- Perform applicable air monitoring.

- Perform applicable environmental sampling and monitoring, including soil and/or water testing.

- Conduct stabilization/restoration activities at areas disturbed/damaged by the removal activities.

The OSC will coordinate with CTDEP, the City of Middletown, ATSDR, USACE and EPA Environmental Response Team (EPA/ERT) throughout the removal.

2. Community relations

Due to the discovery of the surface soil contamination in August 2009, EPA distributed a fact sheet prepared by the Connecticut Department of Public Health (CTDPH) to the on-site workers and tenants and nearby residents. Upon the approval of the Action Memorandum, the OSC will continue to coordinate with EPA Community Involvement Coordinators (CIC) to prepare and implement the following community relations activities, depending upon Agency's resources and/or community preferences:

- Press releases;
- Public meetings; and/or
- Newsletters.

The OSC will also be available, by appointment, to meet with citizens and news reporters, or by phone to answer their questions regarding the removal action.

3. Contribution to remedial performance

The temporary relocation contemplated in this removal action is not expected to be inconsistent with any potential remedial action, such as permanent relocation. Temporary relocation may also, to the extent practicable, contribute to an efficient performance of remedial investigation

activities and potentially remedial action by removing the health and safety concerns about temporary releases of contaminants during investigative and removal activities. 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

The use of alternative technologies with respect to treatment and disposal options will be evaluated as the site work progresses.

5. Applicable or relevant and appropriate requirements (ARARs)

Federal ARARs:

40 CFR Part 262 Standards Applicable to Generators of Hazardous Waste:

Subpart B - The Manifest
262.20 : General requirements for manifesting
262.21 : Acquisition of manifests
262.22 : Number of copies of manifests
262.23 : Use of the manifest

Subpart C - Pre-Transport Requirements
262.30 : Packaging
262.31 : Labeling
262.32 : Marking

Subpart D - Recordkeeping and Reporting
262.40 : Recordkeeping

40 CFR Part 264 Standards for Owners and Operators of Hazardous waste Treatment, Storage, and Disposal Facilities:

Subpart I - Use and Management of Containers
264.171 : Condition of containers
264.172 : Compatibility of waste with containers
264.173 : Management of containers
264.174 : Inspections
264.175 : Containment
264.176 : Special requirements for ignitable or reactive waste
264.177 : Special requirements for incompatible wastes

40 CFR Part 264 Hazardous Waste Regulations - RCRA Subtitle C:
268-270 : Hazardous and Solid Waste Amendments Land Disposal Restrictions Rule

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

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

State ARARs:

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

6. Project schedule

EPA plans to issue a Task Order to the cleanup contractors and an Interagency Agreement (IAG) to the USACE immediately upon the approval of this Action Memorandum and will immediately commence the coordination activities with the property owner to identify owners of the materials and equipment currently staged on-site. EPA will also commence the extent-of-contamination study within next two to four weeks weather permitting. The removal action is anticipated to take up to twelve months to complete.

B. Estimated Costs

COST CATEGORY		CEILING
REGIONAL REMOVAL ALLOWANCE COSTS:		
ERRS Contractor		$600,000.00
Interagency Agreement		$250,000.00
ERT/SERAS[1]		$200,000.00
OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:		
START Contractor		$350,000.00
Extramural Subtotal		1,400,000.00
Extramural Contingency	25%	$350,000.00
TOTAL REMOVAL ACTION CEILING		**1,750,000.00**

[1] SERAS = Scientific, Response, Engineering and Analytical Services Contract

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

Delayed action will increase public health risks to on-site business tenants and workers and nearby public as well as environmental risks to Sumner Brook, Connecticut River and the public drinking water supply. The conditions at the Site are expected to continue to deteriorate, and the threats associated with the presence of hazardous substances/ pollutants/contaminants will persist. Further delays in this action will add to the likelihood of further release through a number of circumstances, i.e., unrestricted site access and weather conditions.

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 $1,750,000 (extramural costs) + $350,000 (EPA intramural costs) = $ 2,100,000 X 1.4541 (regional indirect rate) = **$3,053,610** [13].

IX. RECOMMENDATION

This decision document represents the selected removal action for the Omo Manufacturing Site in Middletown, CT developed in accordance with CERCLA, as amended, and is not inconsistent with the National Contingency Plan. The basis for this decision will be documented in the administrative record to be established for the Site.

Conditions at the Site meet the NCP Section 300.415 (b) (2) criteria for a removal action due to the following:

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

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)];

Other situations or factors that may pose threats to public health or welfare of the United States or the environment [§300.415(b)(2)(viii)].

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[13] Direct Costs include direct extramural costs $1,750,000 and direct intramural costs $350,000. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific costs 45.41% x $2,100,000, 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 extramural removal action project ceiling if approved will be $1,750,000.

APPROVAL: _____ DATE: 2-11-10

DISAPPROVAL: _____ DATE: _____