

The F. O'Connor Site  
Augusta, Maine  
Unilateral Removal Order

Site: F O Connor  
Break: 12.7.1  
Other: \_\_\_\_\_

EXECUTIVE SUMMARY

I. Site History

The O'Connor National Priorities List site is a five acre facility owned by the F. O'Connor Company. Operations began at the site in the 1950's and past activities included metal salvage and the stripping and recycling of transformers. Presently salvage activity has ceased, with the site serving primarily as a storage yard.

Unknown quantities of PCB laden transformer oil were spilled on the ground, collected in holding ponds, or openly burned on-site during the salvage operation. The Maine Department of Environmental Protection first investigated the site in 1972, prompted by a spill into nearby Riggs Brook of transformer oil emanating from the site. Since 1972, two earthen lagoons have been constructed to contain the transformer oils and prevent their migration. In addition there are numerous storage tanks and 55 - gallon drums scattered throughout the site which may contain hazardous substances.

II. Extent of Contamination

Analysis of samples taken during a recent EPA site investigation showed levels of PCBs in the soil ranging from 5 to 120,000 parts per million. Two of the storage tanks were also found to contain PCBs.

Earlier studies, conducted in 1982 by EPA's FIT team showed low levels of organic vapors in the air and levels above 2000 ppm of PCBs in lagoon sediments. No detectable levels of PCBs were found in the lagoon waters or in Riggs Brook during the FIT investigation. Samples from four drinking wells in the vicinity of the site revealed no contamination.

Because access to the Site is unrestricted, there is significant risk that humans and animals may be exposed to PCBs through skin contact with contaminated soil and by ingestion through the food chain. This order requires the F. O'Connor Company to construct a fence around the entire Site and post warnings along the fence as to the hazardous nature of the Site.

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III. Enforcement Action

All historical cleanup or abatement activities undertaken at the site have been under the auspices of the Maine DEP. These activities were the results of negotiations between the DEP and the O'Connor Company. During the most recent discussion which the EPA attended, the O'Connors expressed a willingness to undertake the actions called for in this order.

Negotiations will continue between the O'Connors and EPA, subsequent to this order, to ascertain the O'Connor Company's ability and willingness to undertake a Remedial Investigation/Feasibility Study, scheduled to begin in the Spring of 1985.

IV. State Coordination

The Maine DEP has been notified of EPA's intention to issue this order, and will be provided with a copy of this order prior to its issuance.

V. Public Participation

The regional Office of Public Affairs is developing a press release to be issued at the time this order is signed by the Regional Administrator.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region I

IN THE MATTER OF:

The F. O'Connor Company  
Augusta, Maine

PROCEEDING UNDER SECTION 106(a) OF THE  
COMPREHENSIVE ENVIRONMENTAL RESPONSE  
COMPENSATION, AND LIABILITY ACT OF 1980,  
42 U.S.C. § 9606(a).

)  
)  
) DOCKET NO. I 85 1031  
)  
)

) DETERMINATIONS AND  
) ADMINISTRATIVE ORDER  
)  
)

JURISDICTION

1. This Administrative Order is issued pursuant to 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 (hereinafter CERCLA), 42 U.S.C. § 9606(a); and delegated to the Administrator of the Environmental Protection Agency (hereinafter EPA) by Executive Order 12316, August 20, 1981, 46 Fed. Reg. 42237; and further delegated to the undersigned official of EPA by EPA Delegation No. 14-14, effective March 31, 1983. Notice of the issuance of this Order has been provided to the State of Maine. Respondent is the F. O'Connor Company.

FINDINGS OF FACT

2. The F. O'Connor Company owns and operates an approximately 5 acre property near the eastern border of the city of Augusta in Kennebec County, Maine. The property is bordered by Riggs Brook to the east, Eastern Avenue

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(Route 17) to the south, a residential area to the west, and an abandoned poultry house to the north. The property is hereinafter referred to as "the Site" and is shown in Appendix C.

3. The F. O'Connor Company was established by Jeremiah O'Connor in 1884 and is currently owned by William and Jack O'Connor.

4. The F. O'Connor Company began operating the Site in the 1950's as a salvage yard. Subsequent activity at the Site included the stripping and recycling of transformers which contained copper and oils. Transformer oils were generally spilled on the ground, placed in a holding pond, and/or openly burned during the recycling operation. Oils used in the transformers typically contained polychlorinated biphenyls (PCBs).

5. The Site was first investigated in 1972 by the Oil Division of the Maine Department of Environmental Protection (DEP). The investigation was prompted by a spill of PCB laden oil into Riggs Brook originating from the Site. The spill resulted from transformer oil overflowing a holding pond due to heavy rains.

6. Since 1972, two earthen lagoons have been constructed to contain the transformer oils and prevent their migration to Riggs Brook. These lagoons contain water and contaminated sediments. In addition, there are several storage tanks

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and approximately fifty 55-gallon drums scattered about the Site which may contain hazardous substances.

7. Subsequent investigations and sampling have identified the major contaminants in the soil on the Site to be PCBs in the form of the commercial mixtures containing Arochlors 1221, 1232, 1242, 1248, 1254, 1260, and 1016.

8. Analysis of samples taken during an EPA site inspection on July 18, 1984 showed levels of PCBs in the soil ranging from 5 to 120,000 parts per million (ppm). Two of the storage tanks were also sampled and contained PCBs in concentrations of 12,100 ppm and 240 ppm.

9. The PCBs in the soil on the Site constitute a release of PCBs to the environment as a result of direct disposal of transformer oils onto the ground and overflow of transformer oils from the holding pond. Threat of further release of PCBs is posed by erosion and surface runoff of these PCB contaminated sediments as a result of rain, wind and snowmelt.

10. Access to the Site is free and unrestricted because the Site is neither secured against entry nor posted.

11. Pursuant to Section 105(8)(B) of CERCLA, 42 U.S.C. §9605(8)(B), the Site was included on the National Priorities List published by the Administrator of EPA in the Federal Register on September 8, 1983.

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ENDANGERMENT

12. PCBs will not readily undergo transformation in the environment and are thus fairly stable. PCBs have a high affinity for sediments and soil particles. Each successive release of PCBs to the environment has resulted in accumulation and persistence of PCBs in soils affected by the release.

13. Because there is unrestricted access to the Site, there is significant risk that humans and animals may be exposed to PCBs through eye and skin contact with PCB contaminated soil on the site, and by ingestion through the food chain.

14. PCBs are potential human carcinogens. PCBs cause toxic effects in humans and animals, particularly in the skin, liver, gastrointestinal tract, and nervous system. They bioaccumulate in human and animal tissue without being degraded or eliminated.

DETERMINATIONS

15. The PCBs found in the soil and storage tank sampling at the Site described in the above Findings are hazardous substances within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

16. The Site is a facility within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and F. O'Connor Company is the owner and operator of the Site, within



the meaning of Section 101(20) of CERCLA, 42 U.S.C. § 9601(20).

17. The Regional Administrator hereby determines that there are actual or threatened releases of hazardous substances at the Site which may present an imminent and substantial endangerment to the public health or welfare or the environment within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a). This imminent and substantial endangerment includes in particular human and animal exposure to PCBs at the Site as long as Site access remains free and unrestricted. The Regional Administrator further determines that the activities set forth in this Order are necessary to protect public health and welfare and the environment.

ORDER

18. To abate the imminent and substantial endangerment posed by circumstances at the Site and to protect public health, welfare and the environment, it is hereby ordered that the Respondent undertake the following activities within the specified time periods:

- a. Within twenty-one (21) days of the effective date of this Order, the Respondent shall submit a plan and schedule for securing the Site so as to prevent entry by persons who are unaware of the PCBs on the Site, and to minimize the unauthorized entry of persons or animals onto the Site. The plan shall include provisions for sufficient fencing to be

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erected on all four sides of the Site to enclose the entire Site. The plan shall include provisions for the type, size, and gauge of fence, the precise location of the fence, and the number and location of entry points. The plan shall provide for signs with the legend, "Environmental Hazard. Danger - Unauthorized Personnel Keep Out" to be posted at entry points to the Site and every 50 feet along the length of the fence.

b. Upon approval of the plan and schedule by EPA, the Respondent shall secure and post the Site according to the plans and schedule, but in no event later than ninety (90) days from the effective date of this Order except under circumstances of delay caused by unreasonably inclement weather, in which case Respondent shall notify EPA and complete the work within a revised schedule approved by EPA.

c. Within twenty-one (21) days of the effective date of this Order, the Respondent shall submit to EPA for approval a sampling and analysis plan to determine the contents of all the drums and storage tanks on the Site. The sampling and analysis plan shall include at a minimum:

1. Sampling procedures;
2. Analytical parameters, procedures and protocols;
3. Quality assurance/quality control procedures in accordance with EPA guidance document QAMS-005/80 attached as Appendix A to this Order;
4. Safety procedures in accordance with the EPA

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Occupational Health and Safety Manual attached as Appendix B to this Order, and in accordance with applicable OSHA and state safety regulations appropriate for Site conditions; and

5. An implementation schedule.

d. EPA will review the sampling and analysis plan as submitted by the Respondent and require modifications or changes as necessary. EPA will approve or disapprove the plan and so notify the Respondent in writing.

e. Upon receipt of notification of approval of the sampling and analysis plan, Respondent shall execute the plan in accordance with the approved implementation schedule.

f. Within thirty (30) days of the completion of the sampling and analysis required by paragraph 18(e) above, Respondent shall submit a report to EPA detailing the results of all analysis performed.

PARTIES BOUND

19. This Order shall apply to and be binding upon the F. O'Connor Company and its employees, agents, successors, and assigns.

20. The Respondent may, within seven (7) days after receipt of the Order, request a conference with EPA, to be held within fifteen (15) calendar days of the date of receipt of this Order, to discuss the Order, including its appli-

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cability, the factual determinations upon which the Order is based, the appropriateness of any actions which the Respondent is ordered to take, or any other relevant and material issues or contentions which it may have regarding this Order. Respondent may appear in person or be represented by an attorney or other representative at any conference held at its request. Any request for a conference should be made to Charles Bering, Office of Regional Counsel, EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts, 02203, telephone (617) 223-0400.

21. This Order is effective on the date of receipt by the F. O'Connor Company notwithstanding any conferences requested pursuant to paragraph 20 above. All times for performance of response activities shall be calculated from that date.

PENALTIES FOR NON-COMPLIANCE

22. Respondent is advised that willful violation or failure or refusal to comply with this Order, or any portion thereof, may subject respondent to a civil penalty of not more than \$5,000.00 for each day in which violation occurs or such failure to comply continues, as provided in section 106(b) of CERCLA, 42 U.S.C. § 9606(b). Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3), provides that failure to comply with this Order, or any portion thereof, without sufficient cause, may subject Respondent to addi-

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tional liability for punitive damages in the amount of three times the total of all costs incurred by the government as a result of Respondent's failure to take proper action.

23. EPA reserves the right to take any action, including the actions described in this Order, which EPA deems necessary for the protection of public health or welfare or the environment. EPA also reserves the right to take any enforcement action pursuant to CERCLA or any other statute, including the right to seek injunctive relief, cost recovery, monetary penalties, and punitive damages for any violation of law or this Order.

24. For purposes of claims for response costs under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611 (a)(2), issuance of this Order by EPA does not constitute approval or certification of any response costs incurred pursuant to this Order.

25. Respondent may, if it chooses, assert a business confidentiality claim covering part or all of the information requested in this Order in the manner described by 40 C.F.R. § 2.203(b), 41 Fed. Reg. 36907 (September 1, 1976). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by

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EPA without further notice to Respondent. The information requests in this Order are not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq. .

Issued at Boston, Massachusetts this day of 1984.

Date: 12/21/84



Michael R. Deland  
Regional Administrator  
United States Environmental  
Protection Agency  
Region I - Boston, Massachuset

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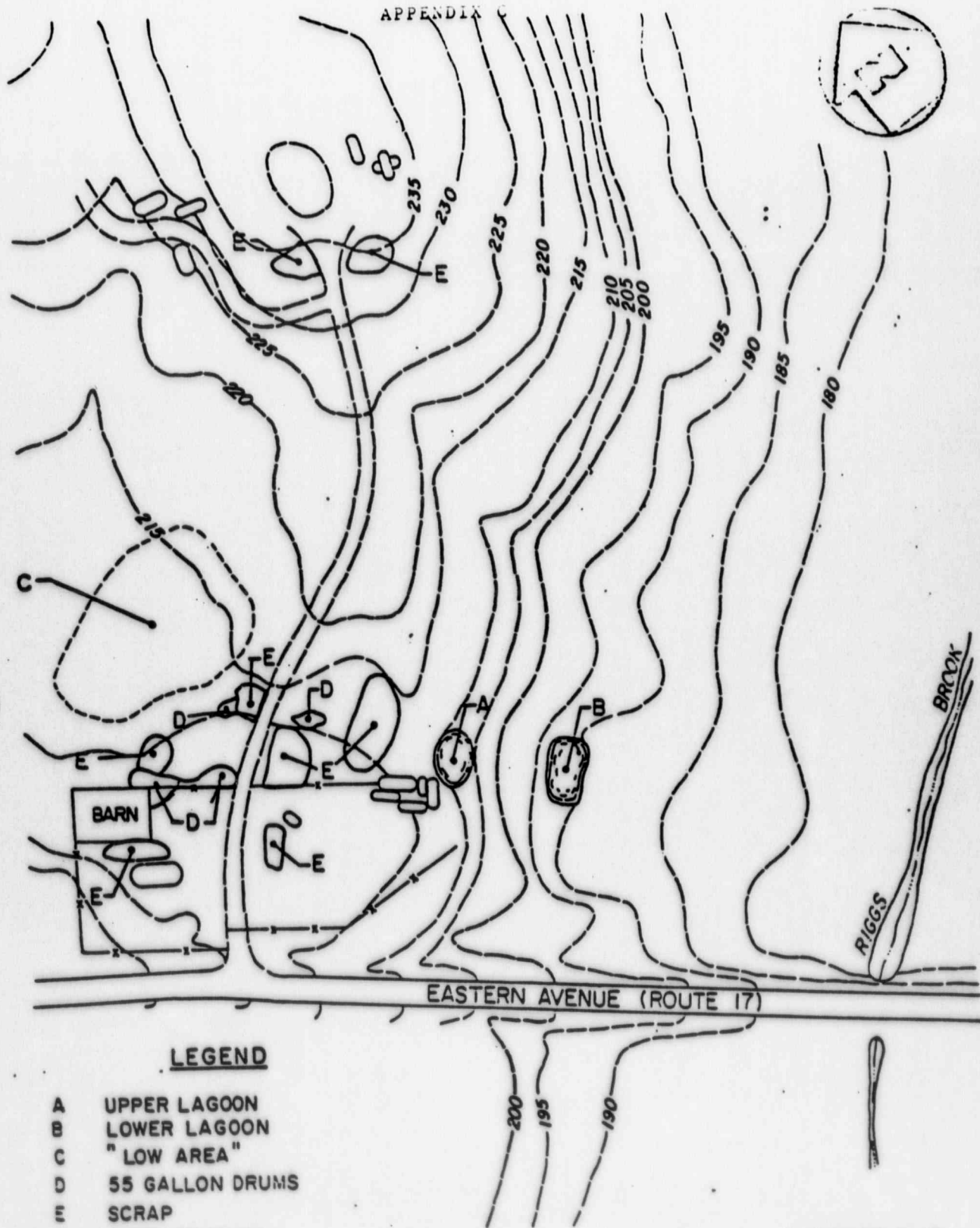
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**LEGEND**

- A UPPER LAGOON
- B LOWER LAGOON
- C "LOW AREA"
- D 55 GALLON DRUMS
- E SCRAP
- O STORAGE TANK

**O'CONNOR SITE SKETCH**  
**AUGUSTA, ME**  
NOT TO SCALE

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FIGURE 2-2

