UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE – SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: September 28, 2018

SUBJ: Request for a Removal Action at the *Keddy Mill* Site, *7 Depot Street, Windham, Maine* - **Action Memorandum**

FROM: Alex Sherrin, On-Scene Coordinator
Emergency Response and Removal Section *II*

THRU: William Lovely, Chief
Emergency Response and Removal Section *II*

Carol Tucker, Chief
Emergency Planning & Response Branch

TO: Bryan Olson, Director
Office of Site Remediation and Restoration

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed non-time critical removal action (NTCRA) at the *Keddy Mill National Priority List* (NPL) Site (the Site), which is located at 7 Depot Street in Windham, Maine (the Property). Hazardous substances present in the Keddy Mill (the Mill building) in concrete and other building materials, 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. The U.S. Environmental Protection Agency (EPA) will negotiate with the Potentially Responsible Party(s) (PRPs) to conduct the removal action under an administrative order. In the event the PRP(s) fail to complete the work in a timely manner, EPA will take over the remainder of the project as a fund-lead action. 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.

In addition, the purpose of this Action Memo is to request 12 month and $2 million exemptions. The Engineering Evaluation/ Cost Analysis (EE/CA) reports the project will take longer than 12 months (See section VI.A.6. for schedule details) with estimated costs exceeding $2 million (see section VI.B. for cost details).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID# : *MEN000106078*
SITE ID# : 01 KJ
CATEGORY : Non-Time Critical

A. Site Description

1. Removal site evaluation

A NTCRA is being proposed to expedite a limited cleanup action of poly-chlorinated biphenyl (PCB) contamination and asbestos containing materials (ACM) in the Mill building and mill building materials in the immediate vicinity of the Site. The proposed action is limited to the partial demolition and removal of the Mill building. NPL actions currently underway by the EPA, such as the remedial investigation/feasibility study (RI/FS), will continue after the proposed NTCRA is completed to address final clean up actions for the remainder of the Site.

The property is currently owned by Keddy Mill Enterprises, LLC, which is a property holding company. From 1756 – 1847 the Property was used as a sawmill, and subsequently as a grist and wool carding mill. Historical documentation indicates that during the period of 1875 - 1945 the Property was used for sulphite-based wood pulp and box-board manufacturing and included construction and enlargement of the mill complex. Post-World War II from 1945 – 1973 the Mill building was used for steel manufacturing and fabrication of heavy equipment buckets, and the manufacturing of fire suppression piping and materials. From 1973 – 1997, the Mill building was intermittently used for steel manufacturing and as a small machine shop and equipment storage area. The most recent use of the Mill building was in 1997, as a machine shop, and for housing farm equipment and equipment associated with steel manufacturing. The Mill building is currently vacant and dilapidated.

Past Site Assessment reports have indicated the presence of PCB-containing electrical components in the Mill building, which suggest that electrical capacitors and transformers containing PCBs were used on Site historically. Sampling conducted by the EPA for the Preliminary Assessment/Site Investigation Report (PA/SI, 2016) confirmed PCB contamination was widespread throughout the Mill building on all floors in concrete and wood. Concentrations ranged from not-detected to 24,000 mg/kg.

Due to the age of the Mill building and field observations, the EPA also collected samples of several suspected ACM from the interior and exterior of the Mill building. Asbestos was detected at unacceptable levels (containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy) in five of the seven samples collected. in five of the seven samples collected.

Concrete sampling conducted during the PA/SI indicated no exceedances of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), or metals above EPA Removal Management Levels (RML) for Industrial Soil.

2. Physical location

The Site is located at 7 Depot Street in Windham, ME. The geographic coordinates are latitude 43° 44′ 04″ North and Longitude 70° 25′ 25″ West.

3. Site characteristics

The Property is a 6.93-acre site located at 7 Depot Street in Windham, Maine within a mixed commercial/residential area. To the south, the Property is bounded by the Presumpscot River. To the west and southwest, there is an operating hydroelectric power plant and an associated parking lot. To the northwest is an apartment complex built in 2006 and owned by the South Windham Housing Corporation. To the north, the Property is bounded by Depot St. which includes multiple residential and commercial properties. Lastly, to the east is a former Maine Central Railroad right-of-way which is currently owned by Maine Department of Transportation. From field observations, it does not appear that this railroad track is currently operable.

Approximately 1750 people live within a 1 mile radious of the Site. Based on information in EPA's EJSCREEN environmental justice screening tool, 0 out of 12 Environmental Justice Indexes for the area exceed the 80th percentile on a national basis.

The Site is currently vacant and consists of a dilapidated, two-story Mill building and open land which is overgrown or covered with concrete slabs from former buildings which have since been demolished. The Site is partially enclosed by a locked, chain-link fence to restrict access.

The Mill building consists of three distinct wings, the West Wing, the East Wing, and the Press Wing. The West Wing is located adjacent to the active hydroelectric station and dam owned by SAPPI Limited. The West Wing is three stories of monolithic concrete construction built on piers above the Presumpscot River. The East Wing is a multi-level area with a two-story monolithic concrete building to the north and a single story steel truss building to the south. The Press Wing connects both the East and West Wings, and is two stories with the far western portion located above the Presumpscot River. Press Wing construction consists of reinforced concrete with steel I-Beam roof support system and steel roof decking. Transite siding (concrete with ACM) is present throughout the Mill building.

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

The contaminants of potential concern (COPCs) include:

PCBs
The main COPC is PCBs, a hazardous substance as defined by section 101(14) of CERCLA. PCBs were detected in concrete building materials throughout the Mill building ranging from not-detected to 24,000 ppm. Aroclor-1254 was detected above its EPA RML for Industrial Soil in 12 samples located throughout the Mill building. A hot-spot with PCB concentrations between 13,000 and 24,000 ppm was detected in the basement floor of the West Wing.

The PCBs may be released to the environment including the Presumpscot River, via water flowing across the basement floor and into the river. An unnamed brook flows from the north through the Property and into the Mill building basement where it can erode the concrete and become contaminated with PCBs. The brook then flows into the Presumpscot River through openings for the penstocks in the basement floor. Precipitation can also enter the building through the collapsing roof. This water can then become contaminated with PCBs and enter the Presumpscot River through the penstock openings in the basement floor.

Asbestos
A secondary contaminant is asbestos, also a hazardous substance as defined by section 101(14) of CERCLA. EPA sampled suspected ACMs (transite, tile mastic, and vinyl tile material) and detected chrysotile asbestos in six of seven samples ranging from 1% to 20%.

The asbestos may be released into the ambient air as the transite and other ACMs degrade. The Mill building is currently vacant and is in a dilapidated condition. No maintenance is being conducted.

5. NPL status

On May 12, 2014, the Site was listed on the National Priorities List as the Keddy Mill Superfund Site.

6. Maps, pictures, and other graphic representations

The Keddy Mill Engineering Evaluation/Cost Analysis (EE/CA) contains figures for the Site including those listed below. Refer to Figure 1 for Site location and layout (Attachment 1) and Figures 2, 3, and 4 for sample locations and PCB concentrations.

Figure 1 Site Layout
Figure 2 PCB Concentrations (Second Floor)
Figure 3 PCB Concentrations (First Floor)
Figure 4 PCB Concentrations (Basement)

B. Other Actions to Date

1. Previous actions

In July 2005, a release of between 30 and 40 gallons of PCB-containing fluid from vandalized electrical equipment within the Mill was reported to the Maine Department of Environmental Protection (MEDEP). In response, a Toxic Substances Control Act (TSCA) Self-Implementing Cleanup Plan (SICP) was prepared in April 2006 and approved by EPA in June 2006. Samples of interior building media were collected including: surface wipes of building interior surfaces, sludge, interior soil, wood, and debris. The results indicated that the PCB contamination was widespread throughout the interior of the Keddy Mill building. In 2010, PCB contaminated sludge and soil/debris was removed from the Mill building floors for off-site disposal by a contractor hired by the owner at that time, under the oversight of the MEDEP. Additionally, exposed soil within the Mill building was covered to prevent exposure.

2. Current actions

Currently, the activities being performed are EPA's Remedial Investigation/Feasibility Study (RI/FS) and the EE/CA prepared by the PRP.

C. State and Local Authorities' Roles

1. State and local actions to date

The State of Maine requested that Keddy Mill be placed on the NPL, which was accomplished in May 2014. In March 2015, EPA's Remedial Branch requested the Removal Branch to conduct a PA/SI to determine if a removal action could be conducted to demolish and remove the Mill building in an accelerated action. Such an action would assist the Remedial Branch in conducting its investigation and cleanup activities.

To date, the MEDEP has worked alongside and provided assistance to EPA by:

- Overseeing investigations conducted by PRPs prior to EPA's involvement with the Site;
- Providing EPA with Site information and interpretation on the Site history and previous investigations;
- Overseeing current PRP on-site activities;
- Commenting on current documents and reports prepared for the Site.

The Town of Windham has provided assistance to EPA by:

- Holding Public information meetings using town facilities;

- Providing a local repository for local officials and residents to view the Administrative Record.

2. Potential for continued State/local response

EPA anticipates that the MEDEP and Town of Windham will continue to assist EPA as described above. Both entities view this project as a priority for the community. However, neither the MEDEP nor the Town of Windham are able to obtain funding within an acceptable period of time based on the exigency of the situation. Additionally, MEDEP does not have the resources to lead the response under a cooperative agreement.

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)];

PCBs are present in concrete and wood at concentrations exceeding the EPA industrial risk Management Levels (RMLs). Human receptors that would most likely contact the COPCs are primarily on-Site field staff workers or trespassers, who may be exposed to Mill building materials through incidental ingestion, dermal contact, or inhalation of fugitive dusts from degraded materials currently present or released during Site characterization activities.

Even though ACM at the Site exists primarily as large material (i.e., cement board, roofing material, floor tile, etc.) with a low releasability of respirable asbestos fibers, over time, large non-respirable materials may become broken down by weathering and/or by mechanical forces (e.g., demolition activity), thus increasing the fraction of the material that exists as readily releasable fibers.

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

The PCBs may be released to the Presumpscot River, a sensitive ecosystem, transported by the unnamed brook and from precipitation entering through the collapsing roof and flowing into the Mill building basement where it can erode the concrete and transport PCBs directly into the Presumpscot River through penstock openings in the basement floor.

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)];

High levels of PCBs, up to 24,000 ppm, exist in the concrete floor of the Mill building. This may be transported to the Presumpscot River, a sensitive ecosystem, via an unnamed brook and precipitation flowing into the Mill basement and then directly into the Presumpscot River through penstock openings in the basement floor.

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

The Mill building is vacant and dilapidated. The roof is caving in and has large gaps which allows precipitation to enter the Mill. The precipitation then flows through the building which may gather and transport PCBs to the Presumpscot River.

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

No other appropriate Federal, State, or Local response mechanism is available to respond to the release. Neither the MEDEP not the Town of Windham have the funding and/or workforce to conduct the proposed action.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances or pollutants or contaminants 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, welfare, or the environment. In accordance with OSWER Directive 9360.0-34 (August 19, 1993), an endangerment determination is made based on concentrations of PCBs in building material that exceed the EPA's RMLs (www.epa.gov/risk/regional-removal-management-levels-chemicals-rmls), which is outlined and discussed in Section III above, summarized in the table below, and is discussed in detail in the attached Keddy Mill EE/CA.

Contaminant	PA/SI Concentration Range	EPA Industrial RMLs
PCBs	Non-detect to 24,000 mg/kg of Aroclor 1254	44 mg/kg

V. EXEMPTION FROM STATUTORY LIMITS

CERCLA Section 104(c) states that removal actions can exceed the 12 month and $2 million statutory limits if conditions meet either the emergency exemption criteria or the consistency

exemption criteria. The consistency exemption requires that the proposed removal action be appropriate and consistent with the remedial action to be taken. As described below, conditions at the Site meet the criteria for the consistency exemption, as follows:

A. Appropriateness

EPA OSWER directive 9360.0-12A, "Final Guidance on Implementation of the "Consistency" Exemption to the Statutory Limits on Removal Actions," June 12, 1989, states that an action is appropriate if the activity is necessary for any one of the following reasons:

1. To avoid a foreseeable threat;
2. To prevent further migration of contaminants;
3. To use alternatives to land disposal; or,
4. To comply with the offsite policy.

The NTCRA described herein meets criteria one and two identified above. The proposed removal action permanently avoids the foreseeable threat of human receptors (trespassers) being exposed to PCBs and ACM within the Mill building and in the immediate vicinity of the Site. The proposed NTCRA also prevents the further migration of PCBs (and potential breakdown products, dioxin and furans) and friable ACM to the Presumpscot River through precipitation and adverse weather conditions.

The proposed removal action is therefore appropriate and necessary.

B. Consistent With the Remedial Action

The proposed NTCRA, as described below in Section VI.B, is consistent with EPA's long-term efforts to address exposures potentially posed by Site contaminants because it would: (1) help to facilitate the on-going remedial investigation by providing access to the soil and river sediments beneath the building which are not currently accessible due to the dilapidated condition of the building; and (2) it would address known sources of PCBs within Mill building materials that are being released to environment.

In addition, demolition of the Mill building, due to the deteriorating condition of the Mill building and the levels of contamination within the Mill building, would have been part of the expected remedial action at the Site. Because demolition of the Mill building would have been a component of the remedial action at the Site, the proposed NTCRA is consistent with the remedial action to be taken.

Because the proposed NTCRA is both appropriate and consistent with the remedial action to be taken, EPA finds that the requirements of the consistency exemption under Section 104(c) of CERCLA have been met.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Removal Action Alternatives

As further described in the Keddy Mill EE/CA, three alternatives were evaluated to address PCB sources and ACM associated with the former Mill building and mill building materials in the immediate vicinity of the Site. These alternatives consisted of no action, partial demolition, and complete demolition. Through a preliminary analysis of removal action alternatives, both "no action" and "complete demolition" were removed from further screening. The "no action" alternative was not protective of human health or the environment, and Keddy Mill ES-2 Engineering Evaluation/Cost Analysis Report (May 2018) determined that the "complete demolition" alternative was infeasible as the below ground portion of the West Wall (which abuts an operable hydroelectric dam) was identified as a critical structure for hydroelectric dam facility stability.

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Three partial demolition options were then further reviewed. Each option involved the installation of a retaining wall to secure the below ground section of the West Wall while demolishing the remaining building. All options were reviewed in terms of effectiveness, implementability, and cost. Through a comparative analysis, Alternative 2 (Soldier Pile and Concrete Lagging Wall) was identified as the most long-term operational, effective, and implementable, yet cost-effective, alternative. This is EPA's proposed action as further described in Section VI.B. below.

B. Proposed Actions

1. Proposed action description

The proposed action is the partial demolition of the Mill building which includes:

- Complete demolition and removal of the East Wing;
- Complete demolition and removal of the Press Wing;
- Demolition and removal of the West Wing with the exception of the below ground section of the West Wall and potentially a portion of the basement floor slab.
- Air and surface water monitoring in the river will be conducted, as required under applicable standards, to ensure that there are no unacceptable releases of contaminants into the environment during the proposed action.

Partial demolition of the Mill building will mitigate the risk to human health and the environment through demolition and off-site disposal of the Mill building. This option is designed to meet the following removal action objectives:

- Reduce exposure of humans to PCBs potentially related to open building access points;
- Reduce the exposure of humans to physical hazards and asbestos related to deteriorating Mill building materials; and
- Reduce the threat of release of building contaminants into the Presumpscot River to protect ecological receptors consistent with the long-term cleanup goals at the Site.

The West Wall would remain in place to maintain the stability of the Presumpscot River and the abutting hydroelectric dam facility structure. A structural engineering survey was conducted on 2 October 2017 by Alfred Benesch & Company (Benesch) to assess the stability of site structures, specifically as they relate to the Presumpscot River and the hydroelectric dam. Benesch (see EC/CA, Appendix A) determined that the "West Wall of the current Mill building is the critical element for maintaining stability at the site upon demolition of the existing Mill building." This is mainly owing to the fact that demolition would include the removal of the basement and first floor slabs, which appear to act as struts that laterally support the existing brick West Wall. Furthermore, the West Wall currently exhibits areas which are visibly buckling (EE/CA, Appendix C [Photo Log] to Appendix A).

It is anticipated that partial demolition would be implemented using the following steps:

- Additional PCB Sampling - The PCB sampling conducted by EPA in the Mill during the 2016 PA/SI was for the purpose of determining if a removal action was warranted. Additional sampling may be warranted to segregate the concrete into wastes streams with <50 ppm PCB and >50 ppm PCBs since the latter waste stream will have different disposal requirements;
- Removal of ACMs – To ensure that the asbestos removal is done safely and in a manner that will not impact the surrounding community, a qualified asbestos removal firm licensed in the State of Maine will be used to remove the ACMs from the Mill building prior to demolition activities;
- Temporary Stabilization of the West Wall – Soil nailing with temporary shotcrete facing would be installed to secure the wall during demolition activities. This is the most attractive temporary stabilization solution as it can be performed with limited access conditions. Geotechnical exploration will need to be conducted prior to temporary stabilization to further understand the subsurface conditions and parameters to effectively

design the stabilization technique as well as to ensure the safety of the workers conducting the construction;

- Installation of Portable Cofferdam – An L-shaped portable coffer dam would be installed against the south end of the West Wall and along the stream. This dam would temporarily divert flow from the Presumpscot River and prevent water from entering the demolition and construction area. This will protect the river from adverse impacts during demolition of the Mill building, so the river ecosystem and downstream recreation areas are not impacted. If water is still flowing through the former sawmill penstocks and out the aqueducts under the West Wall, the inlets would be plugged to prevent the water flow into the demolition zone;

- Demolition of the Mill Building – The basement slab and entire Mill building, with the exception of the West Wall below ground level, would be demolished. Demolition would begin on the second floor and move down to the basement slab. Future structural analysis may determine that a small portion of the slab immediately adjacent to the West Wall would need to remain in place for stabilization. Mitigation measures (e.g. wetting) will be used to control dust that may contain site contaminants. Waste water generated from the removal action will be treated and disposed of on-site or off-site at a licensed facility. The bank along the Presumpscot River would be protected with erosion control measures such as silt fencing and a super-silt fence to prevent erosion into the river during demolition and construction activities;

- Installation of a Retaining Wall – One of the three retaining wall alternatives presented in the structural engineering survey would be constructed as a permanent measure to stabilize the deteriorating West Wall. This step would not be necessary if the soil-nail wall alternative is chosen; and

- Site Restoration and Stabilization of the River Bank – Riverbank restoration and stabilization will be done in accordance with the requirements of the ARARs, to the extent practicable. Native plant species with erosion control mats would be planted at higher elevations for further slope stability. Note that any restoration or stabilization measures taken may only be temporary depending on whether additional Site alteration may be required under any future remedial action for the Site.

<u>Disposal of PCB Waste</u>

According to the "Conceptual Demolition Work Plan" conducted by CES Inc. in March 2016, approximately 5,200 yd^3 of concrete exists on Site (including the Mill and associated concrete slabs) along with an estimated 102 yd^3 of recyclable steel.

Although alternatives exist for possible on-site treatment of the PCB contaminated building materials, it was determined that the most feasible and cost- effective option would be off-site material disposal. Building material waste will be disposed of off-site in containers meeting the requirements of the DOT Hazardous Materials Regulations (HMR) at 49 CFR parts 171 through 180 to an authorized PCB disposal facility. The PCB-contaminated building material will be classified as PCB remediation waste as defined in 40 CFR § 761.3. The PCB remediation waste will be subdivided into two classifications for disposal purposes: (1) less than (<) 50 mg/kg and (2) greater than or equal to (≥) 50 mg/kg. PCB remediation waste ≥ 50 ppm will be disposed of in a hazardous waste landfill or a PCB disposal facility, per 40 CFR §761.61(a)(5)(i)(B)(2)(iii). PCB remediation waste < 50 ppm will be disposed of in a municipal waste landfill or as otherwise allowed under 40 CFR §761.61(a)(5)(i)(B)(2)(ii). These disposal options are contingent upon EPA approval in accordance with 40 CFR § 761.61.

Disposal will be at EPA-approved off-site disposal facilities in compliance with the off-site rule. EPA will coordinate with the appropriate State environmental officials.

Disposal of Asbestos Waste

The asbestos identification survey (CES, 2016) identified more than 43,000 ft^2 of ACM on Site. Removal and disposal of asbestos will be conducted by a licensed asbestos contractor in accordance with ARARs. Potential landfills have been identified for disposal of ACMs. However, if the ACM is also contaminated with PCBs, a disposal facility will need to be identified that can accept both PCBs and asbestos waste.

Disposal will be at EPA-approved off-site disposal facilities in compliance with the off-site rule. EPA will coordinate with the appropriate State environmental officials.

Post NTCRA Sampling and Closure

This NTCRA is limited to removing the Mill building with the exception of the West Wall. Post NTCRA sampling of the West Wall and the soil and sediments exposed after removal of the Mill building may be conducted under the NTCRA if feasible. However, all remaining investigatory and remedial measures will be completed and documented pursuant to the RI/FS, Human Health and Environmental Risk Assessments and the final Record of Decision for the Site.

When the NTCRA is completed, the Site will be turned back to EPA's Remedial Program for oversight and maintenance of restoration or stabilization measures.

Other specific removal activities may include the following:

- Conduct a site walk with the cleanup contractor;
- Install/repair security fencing;
- Provide security guard service;
- Clear vegetation and debris as needed;

- Repair response-related damages.

2. Community relations

EPA has designated a Community Involvement Coordinator for this Site and a local repository for the Administrative Record has been established at the Windham library.

A public comment period for the EE/CA was held from May 31, 2018 to June 30, 2018. An extension was requested and the comment period was extended to July 31, 2018. A public meeting was held on June 21, 2018, to inform citizens of the potential removal action and to facilitate feedback on the EE/CA. A Responsiveness Summary was prepared to address the comments received and is attached. The CIC will continue to coordinate any additional public outreach that is needed.

3. Contribution to remedial performance

The NTCRA, to the extent practicable, will contribute to the efficient performance of the long-term remedial action, as required by 40 C.F.R. 300.415, and as discussed above in Section V. The NTCRA will remove the Mill building and associated material which will then not interfere with the Remedial Investigation and any future remedial action that may be required. It will assist the Remedial Investigation by providing access to the soil and river sediments beneath the building which is not currently accessible due to the dilapidated condition of the building. In addition, procedures will be put in place to prevent the spread of contamination from the demolition zone.

- A temporary coffer dam will be constructed (shown in Figure 1 of the EE/CA) to prevent building materials entering the river during demolition;

- Mitigation measures (*e.g.* wetting) will be used to control dust during all removal activities;

- Waste water generated from the removal action will be treated and disposed of on-site or off-site at a licensed facility;

- The West Wall will be stabilized and sealed so that it:
    - maintains the structural integrity of the West Wall;
    - maintains the structural integrity of the adjacent hydroelectric dam; and
    - minimizes the release of potential contamination on the West Wall; and

- Shoreline stabilization measures will be used to prevent soil, etc. entering the river after the demolition is completed.

4. Description of innovative technologies and sustainable approaches

In accordance with the December 23, 2013 memorandum issued by the Assistant Administrator for the Office of Land and Emergency Management (OLEM) as well as the Region 1 Clean and Greener Policy for Contaminated Sites, green cleanup practices will be considered for NTCRA. They incorporate practices that minimize the environmental impacts of cleanup actions and maximize environmental and human benefit. Examples of greener cleanup activities include:

- use of local fill to reduce truck trips;
- solar power generators for remedy and onsite facilities;
- reuse of cleared brush or trees as mulch;
- institution of a no idling policy;
- carpool to site; and
- selection of local disposal facilities when available.

5. Applicable or relevant and appropriate requirements (ARARs)

Pursuant to 40 C.F.R.300.415(j), removal actions shall, to the extent practicable considering the exigencies of the situation, attain ARARs. Attainment is subject to EPA Publication 540/P-91/011, "Superfund Removal Procedures: Guidance on the Consideration of ARARs During Removal Actions."

An analysis of both Federal and State Applicable and Relevant and Appropriate Requirements (ARARs) was conducted in the EE/CA. The result was a comprehensive list reviewed and accepted by both EPA and the MEDEP. The ARARs are summarized in the EE/CA in section *3.3 Compliance with ARARS and Other Criteria* and in Tables 4, 5, and 6. They are included as Attachment 2.

6. Project schedule

The projected schedule for the completion of this NTCRA described in the EE/CA is as follows:

Construction Document Preparation, Review, and Approval	6 to 12 months
USEPA Review and Approval of PCB	2 to 3 months

Remediation Waste Disposal	
Preparation of Final Design and Bid Specifications	3 to 4 months
Contractor Procurement	3 months
Implementation of Removal Action, including installation of water, sediment, and erosion controls; stabilization of western foundation wall; and final Site stabilization.	6 to 12 months

The timing of the removal action is dependent upon securing funding to perform the work and obtaining all necessary reviews, approvals, and acceptances from the various regulatory and public entities in a timely manner. The schedule will also be subject to weather and/or other similar unforeseen delays.

C. Estimated Costs

COST CATEGORY		**CEILING**
REGIONAL REMOVAL ALLOWANCE COSTS:		
ERRS Contractor		$6,271,500
Interagency Agreement		$0,000.00
OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:		
START Contractor		$1,082,500
Extramural Subtotal		$7,354,000
Extramural Contingency	20%	$1,470,800
TOTAL, REMOVAL ACTION CEILING		**$8,824,800**

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

Delayed action will increase public health risks due to:

- The continued exposure of trespassers and environmental personnel to PCBs present in high concentrations at the surface of building materials (e.g., concrete and wood);

- The continued deterioration of the Mill building and potential transportation of PCBs from the Mill building to the environment. Weather conditions will continue to degrade the Mill building and allow increasing amounts of precipitation to enter the building which will collect contaminants and transport it to the Presumpscot River. Eventually, the Mill building may degrade to the point of collapsing into the river which will directly transport high levels of PCBs into the river;

- The continued deterioration of the Mill building will release friable asbestos fibers from ACMs into the ambient air which may expose the surrounding community.

VIII. OUTSTANDING POLICY ISSUES

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

IX. ENFORCEMENT ... For Internal Distribution Only

See attached Confidential Enforcement Strategy.

The total EPA costs for this removal action that will be eligible for cost recovery are estimated to be $8,824,800 (extramural costs) + $75,000 (EPA intramural costs) = $8,899,800 X 1.4357 (regional indirect rate) = $12,777,443[1].

X. RECOMMENDATION

This decision document represents the selected removal action for the Keddy Mill NPL Site in Windham, Maine, developed in accordance with CERCLA, as amended, and is not inconsistent with the National Contingency Plan. The basis for this decision was documented in the Keddy Mill NPL Site EE/CA which was included in the administrative record already established for the NPL Site.

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[1]Direct Costs include direct extramural costs $8,824,800 and direct intramural costs $75,000. Indirect costs are calculated by using regional indirect rate in effect at time cost estimate is prepared, and is expressed as a percentage of the direct costs 43.57% x $12,777,443, consistent with EPA's full cost accounting methodology effective October 01, 2016. 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.

Conditions at the Site meet the NCP Section 300.415 (b) (2) criteria for a removal action and the CERCLA section 104(c) consistency exemption from the 12-month and $2 million limitation 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)];

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)];

I recommend that you approve the proposed removal action. The total extramural removal action project ceiling if approved will be $8,824,800.

APPROVAL:_____ DATE: 9/28/18

DISAPPROVAL:_____ DATE:_____

ATTACHMENTS

1. Figure 1
2. ARARs Tables
3. Responsiveness Summary
4. TSCA Determination

ATTACHMENT 1
FIGURE 1

West Wall

Estimated Placement of L-shaped Coffer Dam

Site Boundary

0 25 50 75 100 Feet

Notes:

1. Aerial Imagery from ESRI World Imagery. Reproduced under license in ArcGIS 10.4
2. Water flowing through the penstocks will be redirected into Presumpscot river

Figure 1: Site Layout
Keddy Mill
18 Depot Street
Windham, Maine

ERM

ATTACHMENT 2
ARARS TABLES

Table 4
Potential Action - Specific Standards Keddy Mill Superfund Site, Windham ME

Media	Authority	Requirement	Status	Requirement Synopsis	Action to Be Taken
Soil	Federal Criteria, Advisories, and Guidance	Guidelines for Carcinogenic Risk Assessment EPA/630/P-03/001F	To Be Considered	These guidelines provide guidance for developing risk-based remediation standards.	TBC in developing ICs that will ensure that any materials left behind will not create a carcinogenic risk.
		Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens EPA/630/R-03/003F	To Be Considered	This provides guidance for developing risk based remediation standards.	TBC in developing ICs that will ensure that any materials left behind will not create a carcinogenic risk to children.
		EPA Risk Reference Doses (RfDs)	To Be Considered	Guidance used to compute human health hazard risk reference doses (RfDs) resulting from exposure to non-carcinogens in site media. RfDs are considered to be the levels unlikely to cause significant adverse health effects associated with a threshold mechanism of action in human exposure for a lifetime.	TBC in developing ICs that will ensure that any materials left behind will not create a carcinogenic risk.
		Human Health Assessment Cancer Slope Factors (CSFs)	To Be Considered	CSFs are estimates of the upper-bound probability of an individual developing cancer as a result of a lifetime exposure to a particular concentration of a potential carcinogen. These guidelines provide guidance on conducting risk assessments involving carcinogens and for developing risk-based remediation standards.	TBC in developing ICs that will ensure that any materials left behind will not create a carcinogenic risk.
		EPA Carcinogenic Assessment Group Potency Factors	To Be Considered	These guidelines provide guidance for developing risk-based remediation standards.	TBC in developing ICs that will ensure that any materials left behind will not create a carcinogenic risk.

Soil/Debris		Guidance on Remedial Actions for Superfund Sites with PCB Contamination EPA-540-G-90-007 (August 1990)	To Be Considered	EPA Guidance for developing risk-based remediation standards for risks posed by PCBs at Superfund sites.	TBC in developing remediation standards for removing PCB-contaminated building materials from the Site. Also, the guidance will be used to develop ICs that will ensure that any PCB contaminated materials left behind will not pose an unreasonable risk to public health and/or the environment.

Table 5 Potential Location - specific Standards Keddy Mill Superfund Site
Windham, Maine

Protected Resource	Authority	Requirement	Status	Requirement Synopsis	Action to Be Taken
Wetlands/ Aquatic Habitat	Federal Criteria, Advisories, and Guidance	Clean Water Act (CWA) Section 404 (40 CFR 230.10, 33 CFR 320-330)	Applicable	For discharge of dredged or fill material into water bodies or wetlands, there must be no practical alternative with less adverse impact on aquatic ecosystem; discharge cannot cause or contribute to violation of state water quality standard or toxic effluent standard or jeopardize threatened or endangered (T&E) species; discharge cannot significantly degrade waters of U.S.; must take practicable steps to minimize and mitigate adverse impacts; must evaluate impacts on flood level, flood velocity, and flood storage capacity. Sets standards for restoration and mitigation required as a result of unavoidable impacts to aquatic resources. EPA must determine which alternative is the "Least Environmentally Damaging Practicable Alternative" (LEDPA) to protect wetland and aquatic resources.	Demolition of the mill building over and adjacent to the river may impact federal jurisdictional wetlands. Activities effecting wetlands will be conducted in accordance with these requirements including, but not limited to, mitigation and/or restoration in place. EPA has determined the partial demolition alternative is the LEDPA because (a) there is no practical alternative method that will achieve cleanup objectives with less adverse impact and (b) all practical measures will be taken to minimize and mitigate any adverse impacts from the work. Public comment will be solicited on EPA's LEDPA finding in the EE/CA.
		Fish and Wildlife Coordination Act, 16 USC § 661 *et seq.*	Applicable	Requires consultation with appropriate agencies to protect fish and wildlife when federal actions may alter waterways. Must develop measures to prevent and mitigate potential loss to the maximum extent possible. Must provide notice of action to FWS.	Consultation with appropriate federal agencies will be maintained during planning and implementation of the alternative since it will alter protected resource areas.
Wetlands and Floodplains		Floodplain Management and Protection of Wetlands 44 C.F.R. § 9	Relevant and Appropriate	FEMA regulations that set forth the policy, procedure and responsibilities to implement and enforce Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands). Prohibits activities that adversely affect a federally- regulated wetland unless there is no practicable alternative and the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. Requires the avoidance of impacts associated with the occupancy and modification of federally-designated 100-year and 500-year floodplain and to avoid development within floodplain wherever there is a practicable	Federal jurisdictional wetlands altered by the building demolition will be restored in place. All remedial work within the regulated 500-year floodplain will result in no significant net loss of flood storage capacity and no significant net increase in flood stage or velocities. Floodplain habitat will be restored, to the extent practicable. Public comment will be solicited as part of the EE/CA concerning any

				alternative. An assessment of impacts to 500-year floodplain is required for critical actions – which includes demolishing contaminated facilities within a floodplain. Requires public notice when proposing any action in or affecting floodplain or wetlands.	proposed alteration to federal jurisdictional wetlands and floodplain.
Wetlands/ Waterways	State Criteria, Advisories, and Guidance	Maine Natural Resources Protection Act (NRPA) 38 MRSA 480-A,B,C,D,V; 06-096 CMR c.305	Applicable	Prohibits certain activities in, on, over or adjacent to a protected natural resource, including rivers, without a permit. Activities include construction, repair or alteration of any existing structure. Activities may not cause unreasonable soil erosion or harm to habitats or fisheries. Applicable to river impacts.	State riparian resource areas altered by the building demolition will be restored in place. All remedial action conducted within 75 feet of a state regulated resource area will comply with these regulations. Mitigation of impacts on State riparian resource areas will be addressed.
		Maine Mandatory Shoreland Zoning Act 38 MRSA §§ 435-449; 06-096 CMR 1000	Applicable	Protects and conserves shoreland areas located within 250 feet of the high water mark as defined in state law.	Activities within 250 feet of the high water mark of the Presumpscot River will be conducted in compliance with this provision.
		Maine Water Classification Program 38 MRSA, Section 467	Applicable	This program sets forth standards for the classification of Maine's water. Presumpscot River is classified as Class B. Activities in a water body cannot lower water quality below the designated classification.	Site activities will be designed and implemented in a manner that does not degrade the chemical, physical, or biological integrity of the Presumpscot River.
Wetlands and Floodplains		Maine Natural Resources Protection Act (NRPA); Maine Wetlands and Waterways Protection 06-096 CMR 310	Applicable	The regulations prohibit activities which would have an unreasonable impact on wetlands. Applies to alteration of freshwater wetlands or rivers, among other protect resources. The standards require that alterations to protected natural resources be avoided where possible, and if it can be demonstrated that no practicable alternative exists, then the applicant must show that the amount of the resource affected has been minimized to the greatest extent practicable. All projects in or adjacent to (within 75 feet of) wetlands of special significance and rivers, streams, and brooks require a permit. Applicable for impacts to river and wetlands as a result of building demolition.	State wetland resource areas altered by the building demolition will be restored in place. All remedial action conducted within 75 feet of a state regulated wetland resource area will comply with these regulations. Mitigation of impacts on State wetland resource areas will be addressed.
Dams		Maine Waterway Development and Conservation Act (MWDCA)	Relevant and Appropriate	Requires that a permit be issued for the construction, reconstruction, or structural alteration (including some maintenance and repair) of new or existing hydropower projects. Relevant and appropriate due to proximity to hydroelectric dam.	Demolition of the building will be conducted in a manner that does not impair the operation or safety of the adjacent hydroelectric dam.

		Title 38 Chapter 5, SS 630-638, 06-096 CMR c.450			
Endangered Species		Maine Endangered Species Act and Regulations 12 MRSA Chapter 925 Sections 12801-12810, 09137 CMR 08	Applicable if endangered species are present	Establishes wildlife sanctuaries, lists state endangered and threatened species, and specifies conditions for take of threatened or endangered species. There are 22 endangered species in Maine and 23 species listed as threatened under Maine's Endangered Species Act. Possible endangered bat habitat in building to be demolished.	Demolition of the building will be conducted in a manner that does not harm listed bat species.

Table 6
Potential Action -
Specific Standards Keddy
Mill Superfund Site
Windham, Maine

Media/Remedial Action	Authority	Requirement	Status	Requirement Synopsis	Action to Be Taken
Air/Asbestos	State Statute/ Regulation	Maine Asbestos Law and Regulations 38 MRSA §1280; 06-096 CMR c. 425	Applicable	Establishes criteria and procedures of acceptable work practices for asbestos abatement activities including wetting of ACM, containerization, etc. Storage of asbestos waste is also regulated by this rule.	Applicable to handling of asbestos during building demolition.
Air		Maine Protection and Improvement of Air Act; NESHAP regulations 38 MRSA §585-B; 06-096 CMR c. 144	Applicable	Maine is delegated to administer the federal NESHAP standards through its State air statute and the State NESHAP regulations promulgated under it. These regulations formally adopts the federal NESHAPS, including Subpart M; National Emission Standard for Asbestos.	Demolition of the building will be conducted in accordance with these regulations. No air emissions from remedial activities will cause air quality standards to be exceeded. Mitigation measures (e.g. wetting) will be used to control the potential release of asbestos and dust during demolition and the management of building debris.
Air	State Criteria, Advisories, and Guidance	Maine Dept. Health Services, Maine Ambient Air Guidelines	To Be Considered	Guidelines for monitoring air quality and preventing releases of air contaminants.	These guidelines will be considered with respect to monitoring air quality and preventing release of contaminated dust during demolition activities.
Erosion Control		Maine Erosion and Sediment Controls Best Management Practices (BMP), 3/2003, DEPLW0588, updated 2014	To Be Considered	Describes BMP for any projects disturbing soil or removing a natural ground cover.	Guidance will be considered in addressing erosion/ sediment control measures during building demolition and site restoration.

Table 6
Potential Action - Specific Standards
Keddy Mill Superfund Site
Windham, Maine

Media/ Remedial Action	Authority	Requirement	Status	Requirement Synopsis	Action to Be Taken
Hazardous Waste	Federal Statute/ Regulation	Resource Conservation and Recovery Act, RCRA Subtitle C; Hazardous Waste Identification and Listing Regulations, Generator and Handler Requirements 42 U.S.C. §9601 et seq. 40 CFR Parts 260-262 and 264	Applicable/ Relevant and Appropriate	Federal standards used to identify, manage, and dispose of hazardous waste. Maine has been delegated the authority to administer these standards through its state hazardous waste management regulations. Relevant and Appropriate for hazardous waste left in place; Applicable for any hazardous wastes generated as part of a cleanup (e.g., excavated soil/debris)	While no hazardous wastes have been identified on the Site to date, any wastes generated by the building demolition will be analyzed under these standards to determine whether they meet characteristic hazardous waste standards. If identified, any hazardous wastes generated will be managed and disposed of off-site at a licensed facility. Non-hazardous materials will be disposed appropriately.
Air		Clean Air Act; National Emission Standards for Hazardous Air Pollutants 42.U.S.C. § 112(b)(1); 40 C.F.R. Part 61	Applicable	Maine has been delegated the authority to administer these standards through its state NESHAP regulations. These regulations establish emissions standards for 189 hazardous air pollutants (including for asbestos (Subpart M)). Standards set for dust and other release sources.	Demolition of the building will be conducted in accordance with these regulations. No air emissions from remedial activities will cause air quality standards to be exceeded. Mitigation measures (*e.g.* wetting) will be used to control the potential release of asbestos and dust during demolition and the management of building debris.
Surface Water		National Pollutant Discharge Elimination System (40 CFR 122-150, 122.26 stormwater discharges)	Applicable	Establishes the specifications for discharging pollutants from any point source into the waters of the U.S. Also includes stormwater standards for activities disturbing more than one acre.	Demolition of the building will be managed to prevent stormwater discharges from the Site. To the extent water generated from the remediation needs to be discharged to the river, applicable discharge standards will be met.
		Clean Water Act, National Recommended Water Quality Criteria (NRWQC); 33 U.S.C. § 1314, 40 CFR Part 131	Relevant and Appropriate	NRWQC are provided by EPA for chemicals for both the protection of human health and the protection of aquatic life.	Used to establish monitoring standards for surface waters and sediments to assess the protectiveness of the building demolition and the management debris/soil generated by the demolition.
PCB-Contaminated Building Materials		Toxic Substances Control Act 40 CFR Part 761 Subpart D	Applicable	TSCA regulates building materials impacted from PCB remediation waste at concentrations of < 1 ppm in high occupancy areas, < 25 ppm for low occupancy areas, and < 50 ppm for low occupancy areas if the site is secured	Applicable for characterizing PCB-contaminated building debris for disposal.

				by a fence marked with a sign including the ML mark.	
PCB-Bulk Remediation Waste		Toxic Substances Control Act 40 CFR 761.61(a)(5)	Applicable	Requirements for off-site disposal of bulk PCB remediation wastes, and porous and non-porous PCB remediation waste.	Bulk PCB remediation waste will be managed and dispose of off-site in accordance with these standards
PCBs		Toxic Substances Control Act 40 CFR 761.61 (c)	Applicable	This section of the TSCA regulations provides risk-based cleanup and disposal options for PCB remediation waste based on the risks posed by the concentrations at which the PCBs are found. Written approval for the proposed risk-based cleanup must be obtained from the Director, Office of Site Remediation and Restoration, USEPA Region 1 and will be provided at the time of the Action Memo.	Building demolition and site restoration of areas with PCB-contaminated debris/soil that poses a human health risk or ecological risk will be implemented in a manner to prevent any unreasonable risk to human health or the environment. Remedial measures will be based on *in-situ* PCB concentrations in debris/soil.
Asbestos		Toxic Substances Control Act (Transport and Disposal of Asbestos Waste) 40 CFR Subpart E, Appendix D	Applicable	Provides standards for transport and disposal of materials that contain asbestos. Requires proper wetting and containerization.	Asbestos will be managed in compliance with these standards.
Surface Water/ Sediment	Federal Criteria, Advisories, and Guidance	Development and Evaluation of Consensus- Based Sediment Quality Guidelines for Freshwater Ecosystems Probable Effects Concentrations (PECs)	To Be Considered	The PEC level is the concentration above which the adverse effects on sediment-dwelling organisms are likely to occur.	The guidance will be used to develop monitoring standards for the Presumpscot River during the demolition.
		Ontario Ministry of Environment and Energy (OMEE) Severe Effect Levels (SELs) for Freshwater Sediment	To Be Considered	The SEL level is the concentration at which the majority of the sediment-dwelling organisms are affected.	The guidance will be used to develop monitoring standards for the Presumpscot River during the demolition.
Hazardous/ Solid Waste	State Statute/ Regulation	Maine Hazardous Waste, Septage and Solid Waste Management Act 38 MRSA § 1301 et seq.	Applicable	Maine is delegated to administer RCRA through its State statute and regulations promulgated under it. Asbestos is identified as a special waste under this Act.	Statutory requirements for generating/managing hazardous and solid waste during building demolition will be complied with.
Hazardous Waste		Maine Identification of Hazardous Wastes 38 MRSA § 800, 850	Applicable	State regulations for the identification of hazardous waste.	While no hazardous wastes have been identified on the Site to date, any wastes generated by the building demolition will be analyzed under these standards to determine whether they meet characteristic hazardous waste standards. If identified, any hazardous wastes generated will be managed and disposed of off-site at a licensed facility. Non- hazardous materials will be disposed appropriately.
		Maine Standards for Generators of Hazardous Waste 06-096 CMR c. 851	Applicable	This rule establishes standards and requirements for persons who generate hazardous waste.	If identified, any hazardous wastes generated will be managed and disposed of off-site at a licensed facility.
Solid Waste		Maine Solid Waste Management Rules 06-096 CMR c. 400, 411	Applicable	State regulations for the management and transport of solid waste.	Applicable to solid waste generated during building demolition.

Solid Waste/ Asbestos		Maine Solid Waste Management Rule 06-096 CMR c. 425 Chapter 425 - Asbestos Management Regulations	Applicable	These rules and regulations apply to asbestos abatement activities, including removal, encapsulation, demolition, enclosure, repair, and handling, and associated activities such as inspection, design, analysis, monitoring, and training, conducted in the State of Maine.	Applicable to handling of asbestos during building demolition.
Surface Water		Maine Surface Water Quality Criteria for Toxic Pollutants 06-096 CMR c. 584	Relevant and Appropriate	This rule establishes ambient water quality criteria for toxic pollutants in the surface waters of the State. The rule also sets forth procedures that may be used to determine alternative statewide criteria or site- specific criteria adopted as part of a licensing proceeding.	Used to establish monitoring standards for surface waters and sediments to assess the protectiveness of the building demolition and the management debris/soil generated by the demolition.
Stormwater		Maine Erosion and Sedimentation Control Act; Stormwater Management Rules 38 MRSA 420-C,D; 06-096 CMR 500	Applicable	A person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in section 480-B. Erosion control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken and the site must be maintained to prevent unreasonable erosion and sedimentation. Stormwater regulations apply to, among other things, a project that disturbs one acre or more of land area.	Demolition of the building will be managed to prevent stormwater discharges from the Site.

ATTACHMENT 3
RESPONSIVENESS SUMMARY

THE RESPONSIVENESS SUMMARY

On June 6, 2018, EPA published a notice in the Portland Press Herald announcing an Engineering Evaluation/Cost Analysis (EE/CA) for a NTCRA at the Site. On May 31, 2018, EPA made the administrative record and the EE/CA available for public review at EPA's offices in Boston and at the Windham Public Library. On June 21, 2018, EPA held an informational meeting at Windham Fire Hall. From May 31, 2018 to June 30, 2018, EPA held a 31-day public comment period to accept public comments on the EE/CA. An extension to the public comment period was requested, and the comment period was extended to July 31, 2018. Outlined below is a summary of comments received from the public and other interested parties during the public comment period and EPA's response to those comments. Similar comments have been summarized and grouped together. The full text of all written and oral comments received during the comment period has been included in the Administrative Record.

EPA received one written comment, from S.D. Warren Company dba Sappi North America, an adjacent property owner of property including the Little Falls hydropower dam and electric generating station. EPA received one oral comment at the public information meeting, from a resident of Windham.

Summary of comments received from S.D. Warren Company dba Sappi North America:

Comment 1: **Sappi is concerned that the proposed partial demolition of the Keddy Mill building could have an adverse impact on the Little Falls Project. Sappi encourages all appropriate geotechnical explorations, including on Sappi property, and encourages them before any building removal or demolition occurs. Sappi will cooperate with any such explorations, on the condition that these explorations have no adverse impact on the Little Falls Project.**

EPA Response: EPA plans to conduct geotechnical explorations, as appropriate, including on Sappi property, before any building removal or demolition occurs. EPA appreciates Sappi's willingness to cooperate with any such explorations and will coordinate with Sappi, the Federal Energy Regulatory Commission (FERC) and other parties to ensure that these explorations have no adverse impact on the Little Falls Project.

Comment 2: **The EE/CA leaves unresolved how seepage flow under the West Wall and its effect on the structural safety of the Little Falls Project and its associated parking lot, will be addressed. Until the assessment of the source of the water in the culverts, and evaluation of means to divert or otherwise manage the flow such that it will not adversely affect existing or proposed structures is complete, it cannot be determined what effect the diversion or management of the flow will have on the safety and stability of the Little Falls Project. Sappi believes that the parking lot may sit on top of one or more of the penstocks. Please ensure that ERM coordinates with Sappi with respect to completing this assessment.**

EPA Response: EPA understands that an assessment of the source of the water in the culverts under the West Wall is needed. Sappi's description of annual sink holes developing in the parking lot, which may be the result of water flowing through the culverts, underlines the necessity of this assessment. Once the source(s) has been identified, an evaluation will be performed to determine the best method to divert or otherwise manage the flow such that existing or proposed structures will not be adversely affected. EPA acknowledges that this assessment will require coordination with Sappi.

Comment 3: **Any work within the FERC project boundaries of or affecting the Little Falls Project may proceed only after FERC has approved that work. Please ensure that FERC provides such approval prior to beginning such work. Please ensure that ERM and any other appropriate consultants and contractors coordinate with Sappi with regard to communications on this matter, and that Sappi is provided with an opportunity to review and comment prior to any written submissions. [Specific provisions of Sappi's FERC license that were listed in Sappi's comments are not reiterated here.]**

EPA Response: Under Section 121(e)(1) of CERCLA, "no Federal, State, or local permit shall be required for the portion of any removal or remedial action conducted entirely on-site, where such remedial action is selected and carried out in compliance with section 121. The NCP, at section 300.400(e)(1), defines "on-site" as "the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action." In implementing response actions, EPA has consistently taken the position that the acquisition of permits is not required for on-site response actions; however, this does not remove the requirement to meet the substantive, environmental provisions of permitting regulations that are applicable or relevant and appropriate requirements (ARARs). EPA, or the PRP(s) conducting the selected Non-Time Critical Removal Action (NTCRA), will coordinate with FERC and will comply with substantive, environmental ARAR requirements, to the extent practicable, as required by CERCLA.

EPA has reached out to John Spain and Katherine Adams of FERC to begin coordination between the two agencies. A copy of the EE/CA has been provided to them so they can familiarize themselves with the project.

Comment 4: **Who will be responsible for future inspections and future maintenance and repair or reconstruction of the west wall? This issue, including possible financial assurance for future obligations, needs to be addressed in a binding manner so that the wall will not fall into disrepair and adversely affect the Little Falls Project in the future.**

EPA Response: Following completion of the NTCRA, all Operation and Maintenance activities prescribed in the Removal Design Report to ensure the integrity of the remaining wall and shoreline management will be incorporated into the final Record of Decision for the Site.

Comment 5: **Any structural alteration of the dam or associated structures that changes water levels or flows may require a permit from MEDEP under the Maine Waterway Development and Conservation Act, (MWDCA), 38 M.R.S. §§ 630 et seq. Please ensure that MEDEP issues any such permit, if required, prior to beginning such work. Please ensure that ERM coordinates with Sappi with regard to communications with MEDEP on this issue, and that Sappi is provided with an opportunity to review and comment prior to any written admissions.**

EPA Response: EPA has identified the Maine Waterway Development and Conservation Act (MWDCA), Title 38 Chapter 5, sections 630-638, and implementing regulations at 06-096 CMR c. 450, as a location-specific ARAR. Under Section 121(e)(1) of CERCLA, "no Federal, State or local permit shall be required for the portion of any removal or remedial action conducted entirely on-site, where such remedial action is selected and carried out in compliance with section 121. The NCP, at section 300.400(e)(1), defines "on-site" as "the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action." In implementing response actions, EPA has consistently taken the position that the acquisition of permits is not required for on-site response actions; however, this does not remove the requirement to meet the substantive, environmental provisions of permitting regulations that are ARARs. EPA, or the PRP(s) conducting the selected Non-Time Critical Removal Action (NTCRA), will coordinate with the MEDEP and will comply with the substantive, environmental requirements of the Maine Waterway Development and Conservation Act, to the extent practicable, as required by CERCLA.

EPA has worked closely with its state partner, the MEDEP, throughout this project and will continue to do so. Katherine Howatt, from the Bureau of Land Resources, Permit Assistance, is familiar with the project and will be included in coordination efforts.

Comment 6: **Any activity resulting in any discharge of dredged or fill material into the Presumpscot River, or that involves use of coffer dam on the river, may require a permit from the U.S. Army Corps of Engineers (the Corps) pursuant to Section 404 of the Clean Water Act, 33 U.S.C § 1344. Please ensure that the Corps issues any such permit, if required, prior to beginning such work. Please ensure that ERM coordinates with Sappi with regard to communications with the Corps on this issue, and that Sappi is provided with an opportunity to review and comment prior to any written admissions.**

EPA Response: EPA has identified Section 404 of the Clean Water Act, 40 CFR 230.10, and 33 CFR 320-330, as a location-specific ARAR. Under Section 121(e)(1) of CERCLA, "no Federal, State or local permit shall be required for the portion of any removal or remedial action conducted entirely on-site, where such remedial action is selected and carried out in compliance with section 121. The NCP, at section 300.400(e)(1), defines "on-site" as "the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action." In implementing response actions, EPA has consistently taken the position that the acquisition of permits is not required for on-site response actions; however, this does not remove the requirement to meet the substantive, environmental provisions of permitting regulations that are ARARs. EPA, or the PRP(s) conducting the selected NTCRA,

will coordinate with the U.S. Army Corps of Engineers (USACE) and will comply with the substantive, environmental requirements of Section 404 of the Clean Water Act, to the extent practicable, as required by CERCLA.

EPA has reached out to Jay Clement of the USACE to begin coordination between the two agencies. A copy of the EE/CA has been provided to the USACE so they can familiarize themselves with the project.

Comment 7: **Any work within 75 feet of the normal high water mark of the Presumpscot River may require a shoreland zoning permit from the relevant municipality (Gorham and/or Windham) and possibly other municipal permits or approvals. Please ensure that the relevant municipal entities issue any such permits, if required, prior to beginning such work. Please ensure that ERM coordinates with Sappi with regard to communications with the towns on this issue, and that Sappi is provided with an opportunity to review and comment prior to any written admissions.**

EPA Response: EPA has identified the Maine Mandatory Shoreline Zoning Act, 38 MRSA sections 435-449 and implementing regulations at 06-096 CMR 1000, as a location-specific ARAR. Under Section 121(e)(1) of CERCLA, "no Federal, State or local permit shall be required for the portion of any removal or remedial action conducted entirely on-site, where such remedial action is selected and carried out in compliance with section 121. The NCP, at section 300.400(e)(1), defines "on-site" as "the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action." In implementing response actions, EPA has consistently taken the position that the acquisition of permits is not required for on-site response actions; however, this does not remove the requirement to meet the substantive, environmental provisions of permitting regulations that are ARARs. EPA, or the private parties conducting the selected NTCRA, will coordinate with the relevant town(s) and will comply with the substantive, environmental requirements of the Maine Mandatory Shoreline Zoning Act, to the extent practicable, as required by CERCLA.

EPA has worked closely with its local government partner, the Town of Windham, Maine, throughout this project and will continue to do so. We have met with the Town Manager and town council, to familiarize them with the project and will continue to coordinate with the Town throughout the project.

Comment 8: **Sappi is likely to incur costs to ensure that any work involving or affecting the Little Falls Project complies with all applicable laws and regulations and reflects the necessary protections for the Little Falls Project. Before proceeding with any such work, Sappi expects that ITT LLC will need to enter into an agreement with Sappi for reimbursement of these costs.**

EPA Response: This comment does not relate to the evaluation of alternatives in the EECA. EPA does not opine on the scope or content of settlement or allocation agreements between private parties.

Comment 9: **Sappi underscores that it is willing to cooperate with the planned NTCRA, but also notes that it must act prudently to protect its assets, including the Little Falls Project, and of course must also ensure that Little Falls Project activities comply with legal requirements.**

EPA Response: This comment does not relate to the evaluation of alternatives in the EECA. EPA appreciates Sappi's willingness to cooperate with the planned NTCRA.

Comment 10: **As soon as they are available, please send a copy of the Responsiveness Summary and the Action Memorandum for the proposed removal action.**

EPA Response: EPA will make a copy of the Responsiveness Summary and Action Memorandum available to Sappi at the same time it is released to the public. Sappi is on the mailing list for the Site.

Comments Received at the June 21, 2018 Public Meeting

Comment 11: Will EPA collect surface water samples above and below stream of the Mill during the demolition?

EPA Response: Air and surface water monitoring in the river will be conducted, as required under applicable standards, to ensure there are no unacceptable releases of contaminants into the environment during the removal action.

The ARARs table identifies that surface water monitoring will be done:

EPA, or the private parties conducting the selected NTCRA, will comply with ARARs, to the extent practicable, as required by CERCLA.

ATTACHMENT 4
TSCA DETERMINATION

KEDDY MILL SUPERFUND SITE
NON-TIME CRITICAL REMOVAL ACTION
FINAL TSCA 40 C.F.R. SECTION 761.61(c) DETERMINATION
ACTION MEMORANDUM – ATTACHMENT 4

Consistent with 40 C.F.R. § 761.61(c) of the Toxic Substances Control Act (TSCA), EPA's limited cleanup plan was issued for public comment as part of the May 2018 Engineering Evaluation/Cost Analysis (EE/CA) proposal for a Non-Time Critical Removal Action (NTCRA) at the vacant Keddy Mill Superfund Site in Windham, Maine (Site). EPA has issued an Action Memorandum that includes building demolition and off-site disposal of all demolition debris, including PCB-contaminated material regulated under 40 C.F.R. Part 761. The Action Memorandum incorporates a Responsiveness Summary to address public concerns related to this action.

I have reviewed the Administrative Record for the PCB-contaminated Site and the Action Memorandum for the NTCRA. As required by 40 C.F.R. § 761.61(c) of TSCA, I have determined that the NTCRA, as presented in the Action Memorandum and supported by the May 2018 EE/CA, will not pose an unreasonable risk of injury to health or the environment as long as the following conditions are met:

1. If segregation of PCB-contaminated materials for off-site disposal is implemented, additional samples shall be collected to confirm PCB concentrations for off-site disposal. A sampling plan shall be submitted to EPA's TSCA Program for review and comment, or alternatively samples shall be collected in accordance with the 40 CFR Part 761 Subpart O sampling frequency requirements and the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches.
2. Engineering controls described in the Action Memorandum for dust suppression shall be used during demolition and processing/handling of PCB-contaminated wastes. Air quality shall be monitored until backfilling is complete to ensure that air emission levels meet the air quality performance standards in the Action Memorandum.
3. Engineering controls described in the Action Memorandum for the collection and management of surface water runoff including dust suppression water and decontamination water, shall be used during demolition and processing activities to ensure that the PCB concentrations in any surface water runoff from the Site complies with the performance standards in the Action Memorandum before discharge.
4. Stockpiles of PCB-contaminated demolition waste shall be managed in accordance with 40 CFR § 761.65(c)(9) and shall be situated on a protected pad or elsewhere as described in the Action Memorandum and as approved by EPA. The stockpiles shall be securely covered until such stockpiles are loaded for off-site disposal. Hay bales or other erosion control devices and oil booms, as necessary, shall be placed around all stockpiles.

5. Once the NTCRA has been fully implemented, the remaining potential exposures posed by the Site, will be addressed in an ongoing Remedial Investigation/Feasibility Study being developed, and shall be incorporated into a final Record of Decision for the Site. This Record of Decision will include all future potential risks including what may pertain to the area to be addressed through the NTCRA.
6. Institutional and engineered controls shall be implemented and maintained to prohibit any use or contact with PCB contamination which may remain at the Site. All final institutional and engineered controls implemented for the Site, including both the NTCRA and any future remedial actions, shall be documented in the Record of Decision.
7. At a minimum, yearly inspections and necessary maintenance shall be performed on the engineered controls, which will include a cap/cover over exposed soil within the demolished building footprint. Yearly operation and maintenance (O&M) reports shall be developed and become part of the public record for the Site. This shall continue to such time that a Record of Decision is signed for the Site which may include additional remediation requirements and which will incorporate all necessary long-term monitoring and maintenance activities.
8. Any change in the use of the Site shall be designed and implemented in such a manner that maintains the conditions of this Determination, to prevent exposure to any media contaminated with PCBs and release of PCBs to the environment.
9. This Determination only applies to the NTCRA activities associated with the current building located on the Site and the PCB-contaminated wastes that will be generated during the NTCRA. PCB-contaminated wastes that may remain at the Site following the NTCRA activities shall be addressed in future remediation actions to be documented in the Record of Decision.

9/28/18

Bryan Olson, Director
Office of Site Remediation and Restoration
EPA New England

Date