



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ENVIRONMENTAL SERVICES DIVISION
60 WESTVIEW STREET, LEXINGTON, MASSACHUSETTS 02173-3185



SDMS DocID 242158

Certified Mail
Return Receipt Requested

FEB 14 1992

Mr. Jack Daley
Daley Development Corporation
Suite 204
Foot of Broad Street
Stratford, Connecticut 06497

Raybestos
11.09
SDMS #242158

Re: Unilateral Administrative Order for Removal Action,
Raybestos Memorial Field Superfund Site, Stratford, CT, EPA
Docket No. I-89-1083

Dear Mr. Daley:

This letter will serve to notify you that you are out of compliance with this Order; memorialize the actions which caused such noncompliance; and inform you of the immediate steps which are necessary to forestall an EPA takeover of removal activities at the Raybestos Memorial Field Superfund Site (the "Site").

During your performance of site assessment activities, drums containing soils, disposable clothing and other debris were generated. Some of these contaminated items have remained at the Site, exposed to the elements and essentially unprotected, for over 13 months. Pursuant to the On-Scene Coordinator's authority under 40 C.F.R. § 300.120 and paragraph 48 of the Order, I directed that you properly dispose of the contaminated items at an appropriate off-site disposal facility by no later than November 30, 1991. You have violated the Order by failing to take such action, pursuant to paragraphs 19(C), 20, 45 and 48.

In my letter to you dated December 6, 1991, I directed that you submit supplemental analytical data by December 20, 1991. This supplemental data is necessary to evaluate the quality (accuracy/precision) of the analytical data presented by your contractor, Environmental Science and Engineering. EPA has not yet received the requested information; therefore, you have violated paragraphs 26 and 40 of the Order for more than 56 days to date.

Further, and most importantly, it is EPA's understanding that you do not intend to perform the remaining removal work at the Site, consisting primarily of soil cap installation. This understanding is based upon our discussions, discussions between your attorney and EPA Regional Counsel, and your discussions with the State of Connecticut Department of Environmental Protection

(CTDEP). In fact, you and your attorney have expressly stated to EPA that you are unwilling to complete the EPA removal action due to CTDEP's positions regarding PCB contamination and the potential for buried drums at the Site.

Be advised that pursuant to 42 U.S.C. § 9606(b)(1), your violations and your refusal to comply with the terms of Order requiring proper completion of the removal action may subject you to civil penalties of up to twenty-five thousand dollars (\$25,000) for each day of each violation. In addition, pursuant to 42 U.S.C. § 9607(c)(3), you may also be subject to punitive damages in an amount up to three (3) times the amount of any costs incurred by the United States as a result of such violation.

The net result of your inactions has been to delay the installation of a soil cap at the Site which is necessary to abate the imminent threat to human health posed by the presence of friable asbestos and other contaminants. This soil cap is necessary irrespective of the ultimate resolution of the PCB and buried drum issues. Consequently, EPA is preparing to assume removal activities at the Site. These activities will consist of actions previously discussed with you, including but not limited to:

- o Installation of a 6-foot high chain link fence around the perimeter of the entire Site;
- o Placement of a minimum of 6 inches of compacted soil cover over approximately 9 acres to decrease contact with, and potential off-site migration of, asbestos contamination. The cap shall include initiation of a vegetative cover (e.g. hydroseeding);
- o Posting of warning signs around the perimeter of the Site;
- o Removal of all remaining drums containing soils, disposable clothing and other contaminated debris;
- o Collection and analysis of additional environmental samples as necessary to ensure that the interim cover is sufficiently large to cover all asbestos-contaminated areas; and
- o Other actions which EPA determines are necessary during installation of the cap.

Pursuant to paragraph 45 of the Order, EPA will assume all CERCLA removal activities at the Site as of March 15, 1992, unless you meet all of the following conditions by that date:

1) Unconditionally agree to undertake all of the actions listed above; 2) Present a detailed draft design for the cap, fence, and warning signs; 3) Provide the analytical information previously requested by EPA's letter of December 6, 1991; and 4) Secure the services of a licensed transporter and disposal facility and, subject to EPA approval, have the drums removed for off-site disposal or treatment by March 30, 1992.

In addition, EPA understands that you may be contemplating accepting soil to perform the cap in the event that you can reach an agreement with the CTDEP. Please be aware that EPA will require that the soil be approved in advance of its use. To approve the use of this soil, EPA would, at a minimum, require information regarding the source(s) of the material, results from the analysis of representative soil samples which demonstrate that the material is clean (uncontaminated) and information on the soil's characteristics (e.g., results of sieve analysis and ability to sustain vegetative growth).

Please contact me at (617) 860-4306 if you have any technical questions regarding the above. Legal questions and communications from your attorney should be directed to Andrew Raubvogel at (617) 565-3169.

Sincerely,



Arthur Wing, On-Scene Coordinator
Site Evaluation and Response Section II

cc: Andrew Raubvogel, Assistant Regional Counsel
Mary Dever, Enforcement Coordinator
Thomas O'Connor, CT DEP