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

MEMORANDUM

DATE: 9/3/2019

SUBJ: Request for a Removal Action at the Walton & Lonsbury, Inc. Superfund Site, Attleboro, Bristol County, Massachusetts - **Action Memorandum**

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THRU: William Lovely, Section Chief
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TO: Bryan Olson, Director
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I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed removal action at the Walton & Lonsbury, Inc. Superfund Site (the Site), located in Attleboro, Bristol County, Massachusetts. The location of the proposed Removal Action are several residential properties located within the Site. A hazardous substance is present in residential soils at these properties, and 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. Presently, there are no nationally significant, or precedent-setting issues associated with this Site, and there has been no use of the OSC's $200,000 warrant authority.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID# : MAD001197755
SITE ID# : 01GM
CATEGORY : Time-Critical Removal Action

A. Site Description

1. Removal Site evaluation

In March of 2019, the EPA Region 1 Superfund and Emergency Management Division (SEMD) Remediation Branch I: Superfund (SRB1) requested that the EPA Region 1 Emergency Planning

SEMS Doc ID 637768

and Response Branch (EPRB) assist with assessment and removal of lead contaminated soils on residential properties within the Site. The Site was listed on the National Priorities List (NPL) on May 21, 2013 and EPA assumed the role as lead agency. The support agency is the Massachusetts Department of Environmental Protection (MassDEP).

In September of 2017, EPA Region 1 issued new guidance regarding evaluation of lead at Superfund sites. The current guidance recommends collection of fine-fraction (less than 150 μm) surface soil samples with analysis for total lead, followed by In-Vitro Bioaccessibility (IVBA) lead testing if the total fine-fraction soil lead concentration (based on an average of results within an exposure point) is above 200 mg/kg. The 200 mg/kg value is a screening level developed using default blood lead level modeling parameters for children at a target blood lead level of 5 μg/dL for a residential exposure scenario. Because the Remedial Investigation (RI) at the Site and historic soil sampling from 2016 and earlier did not include separation (sieving of soil samples) and analysis of the fine-fraction, it was determined that additional samples needed to be collected for sieving and analysis of the fine-fraction.

In 2017 and 2018, during Phase 5 of the RI, samples were collected and analyzed that indicated fine-fraction presence of lead in the neighboring residential surface soil samples above the 200 mg/kg screening level. The samples were collected within the FEMA AE flood zone (1% annual chance of flooding) since flooding is the identified mechanism by which the site-related contamination would have been deposited onto the neighboring residential properties. Each sample taken during Phase 5 was sieved to a particle size of <150 μm, and the sieved sample (fine-fraction) was analyzed for total lead. The sieved soil from each sample was then tested for IVBA using Method 1340 (USEPA, 2017a). Site specific IVBA testing revealed that the average absolute bioavailability of lead in soil samples from the west of North Avenue exposure point (28.3 percent) is consistent with the default assumption, thus the 200 mg/kg residential screening value has been used. Based on the risk determinations the screening level of 200 mg/kg represents an average concentration for each 1 ft below ground surface (bgs) interval per property. EPA's Baseline Human Health Risk Assessment (HHRA) for the Walton & Lonsbury Superfund Site, dated May 2019, documents the risks associated with exposure to lead in residential soil based on RI data.

On July 25, 2019, EPA issued the Proposed Plan summarizing the cleanup options for addressing contaminated soil, groundwater, and surface water at the Site and to solicit public comment on EPA's preferred alternatives for addressing the contamination. It is anticipated that EPA will issue a Record of Decision (ROD) in the near future for the Site describing the final selected remedy. The remedy described in the July 2019 Proposed Plan requires, among other things, the removal of contaminated residential soils above 200 mg/kg fine-fraction lead.

On 24-28 June 2019, EPA's On-Scene Coordinator (OSC), Weston Solutions, Inc.; EPA's Superfund Technical Assessment and Response Team (START) contractor, and a chemist with EPA Region 1 Mobile Laboratory mobilized to the Site to conduct soil sampling and field analysis at the following 10 residential properties:

- 10 Deanville Road Attleboro, MA
- 20 Deanville Road Attleboro, MA
- 28 Deanville Road Attleboro, MA
- 45 Deanville Road Attleboro, MA

- 53 Deanville Road Attleboro, MA
- 22 North Avenue Attleboro, MA
- 28 North Avenue Attleboro, MA
- 34 North Avenue Attleboro, MA
- 42 North Avenue Attleboro, MA
- 48 North Avenue Attleboro, MA

A total of 132 soil samples were collected from 49 borings or locations. The soil from each boring was classified, and samples were collected from 0-1 feet, 1-2 feet, and 2-3 feet. Soil samples were screened on-site for lead by the EPA Mobile Laboratory using an XRF. Sampling activities were performed in accordance with the Site Sampling and Analysis Plan (SAP), which has been prepared as a separate document, entitled *Sampling and Analysis Plan for the Walton and Lonsbury Site, Attleboro, Bristol County, Massachusetts*. A subset of 25 samples, including two field duplicates, was submitted to the EPA Office of Environmental Measurement and Evaluation (OEME) New England Regional Laboratory (NERL) for confirmatory metals analysis; two rinsate blanks and a performance evaluation (PE) sample were also submitted. In addition, a total of 28 samples (including two field duplicates, two rinsate blanks and one PE sample) were submitted to Earth Toxics, Inc for fine fraction 150-micron sieving and confirmatory lead analysis.

On July 11, 2019, EPA and START returned to the Site to take an additional 4 samples at the Massachusetts Electric Company property located on North Avenue, identified on Tax Map 59, Lot 227 by the Town of Attleboro Assessor's Office. These 4 samples were submitted to NERL for metals analysis.

Averaged concentrations that exceed the EPA HHRA property screening level of 200 mg/kg is summarized in the **Table 1** below.

Table 1	
Summary of averaged lead results over 200 mg/kg	
0 - 1 ft. below ground surface interval	
Address	Concentration of Lead
10 Deanville Road	471 mg/kg
20 Deanville Road	230 mg/kg
22 North Avenue	258 mg/kg
28 North Avenue	201 mg/kg
42 North Avenue	479 mg/kg
48 North Avenue	336 mg/kg
1-2 ft. Below ground surface interval	
Address	Concentration of Lead
10 Deanville Road	336 mg/kg
20 Deanville Road	215 mg/kg
28 North Avenue	200 mg/kg
34 North Avenue	380 mg/kg
42 North Avenue	497 mg/kg

2-3 ft. Below ground surface interval	
Address	Concentration of Lead
10 Deanville Road	437 mg/kg

EPA HHRA Residential soil screening level for lead is 200 mg/kg.

On August 29, 2019, the OSC directed a formal Site Review Meeting, in which the EPA site case team recommended a removal action to address lead contamination in residential soils at the above locations.

Based on the Site conditions and analytical results from the June and July 2019 sampling events, a time critical removal action (TCRA) was recommended and approved in the closure memo, dated September 3, 2019.

2. Physical location

The Site is located in Attleboro, Bristol County, Massachusetts. The geographic coordinates are approximately 41.957904° N, -71.297120° W. The Walton & Lonsbury metal plating facility was located on a 2.72-acre property at 78 North Avenue, Attleboro, Bristol County, Massachusetts. The W&L property is located in a mixed commercial/industrial area and is bounded to the north by Walton Street, to the south by wetlands and wooded areas ("southern wetland"), to the east by North Avenue with residences beyond, and to the west by industrial/commercial properties. The Site and general study area includes: the W&L property itself, inclusive of the two parcels immediately to the south; the wetland south of the W&L property (as far south as Deanville Road); the residential area immediately east of the W&L property along Paulette Lane and North Avenue; Bliss Brook and its banks, including residential yards that border the brook from the Paulette Lane area south to its confluence with the Bungay River; the Bungay River just upstream of its confluence with Bliss Brook; Mechanics Pond; and the stormwater piping that drains the wetland north of Deanville Road south to its discharge into Bliss Brook at West Street.

The TCRA actions will be conducted at the following properties which are part of the Site:

- 10 Deanville Road Attleboro, MA
  - Map 49, Lot 114B
- 20 Deanville Road Attleboro, MA
  - Map 49, Lot 114
- 22 North Avenue Attleboro, MA
  - Map 49, Lot 116
- 28 North Avenue Attleboro, MA
  - Map 49, Lot 113
- 34 North Avenue Attleboro, MA
  - Map 59, Lot 220
- 42 North Avenue Attleboro, MA
  - Map 59, Lot 225
- 48 North Avenue Attleboro, MA
  - Map 59, Lot 228

3. Site characteristics

Since 1940, electroplating operations at the Walton & Lonsbury (W&L) facility had been conducted at the property, and W&L performed chromium plating until it closed in 2007. Copper plating was also conducted at the property until the building was remodeled in the late

1950s. Facility operations included parts degreasing using solvents, hard chrome plating, stripping with acids, aqueous rinsing, grinding, and polishing. Chemical usage at the facility reportedly included trichloroethene (TCE), 1,1,1-trichloroethane (1,1,1-TCA), chromic oxide, chromic acid, hydrochloric acid, sulfuric acid, phosphoric acid, paint thinner, aluminum oxide, sodium hydroxide, sodium bisulfate, sodium hydrosulfate, and lead sulfate.

From 1940 until 1970, wastewater and waste streams generated at the facility were directly discharged without treatment via an underground pipe from the plating room into the wetlands located on the southern portion of the property. The wetlands extend onto southern abutting properties. In 1970, W&L abandoned and plugged its underground discharge pipe and installed a batch wastewater treatment system for metals removal and pH adjustment.

Environmental investigations have been implemented at the property by W&L since about 1970. The property was evaluated in accordance with the Massachusetts Contingency Plan (MCP) in 1989. A Phase I Limited Site Investigation and Phase II Interim Comprehensive Site Assessment were conducted by W&L under the MCP between 1990 and 2001. These investigations determined that soil and groundwater at the property had been impacted by metals including trivalent chromium and hexavalent chromium and lead.

In August 2010, the EPA Emergency Planning and Response Branch ("removal program") performed a removal program preliminary assessment/site investigation (PA/SI) that documented the presence of chromic acid in on-property tanks. In addition, high concentrations of metals were found in surface soils along the western bank of Bliss Brook and in the backyards of several residences along Paulette Lane and North Avenue. The contamination found in these soils is from migration of contaminated groundwater from the original on-property release areas to this area. As a result of the findings of the initial phases of the PA/SI, EPA initiated a TCRA in October 2010 with the objective of mitigating ongoing human health exposure to metals-impacted soil and groundwater and preventing potential future releases. Activities conducted as part of the TCRA included removal of the W&L buildings and residual waste materials, excavation and off-site disposal of contaminated sediment from wetlands south of the former building where the wastewater was historically discharged, and construction of an engineered cover system and permeable reactive barrier behind several residential properties on Paulette Lane and North Avenue and adjacent to Bliss Brook to prevent upwelling of contaminated groundwater and to intercept and treat groundwater prior to discharge into Bliss Brook.

Based on information in EPA's EJSCREEN environmental justice screening tool, 0 out of 11 Environmental Justice Indexes for the area within a one mile radius of the site exceed the 80th percentile on a national basis.

The operational status is inactive. The incident category is a housing area. The owner-operator type is private.

A more complete description of the Site can be found at the following website.
www.epa.gov/superfund/walton

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

Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. § 9604, authorizes EPA to remove or arrange for the removal of any hazardous substance, pollutant or contaminant if it is deemed necessary to protect the public health, welfare or the environment. Lead is hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. §9601(14). Lead was found at concentrations above the EPA HHRA screening levels in the soil at 7 residential properties. Lead is also characteristically hazardous waste at concentrations above 5.0 mg/kg under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq., as amended, and 40 C.F.R. § 261.24. Lead was found at concentrations up to 2240 mg/kg at the Site. Therefore, a release into the environment of hazardous substances has been documented.

5. NPL status

The Site has been on the NPL since May 21, 2013 and EPA assumed the role as lead agency.

B. Other Actions to Date

1. Previous actions

During January and February of 2012, under the authority of the previous TCRA, EPA and MassDEP conducted soil sampling at the residential properties on North Avenue and Deanville Road. At the time the concentrations did not warrant any further action and no removal actions were taken at the properties.

Between the fall of 2013 and winter of 2018, EPA, in consultation with MassDEP, oversaw and conducted a RI, HHRA, Ecological Risk Assessment, and Feasibility Study (FS) at the Site. The Remedial Investigation and Feasibility Study (RI/FS) were completed to characterize the Site and help determine cleanup options. EPA expects to issue a ROD in the near future, outlining its selected remedial approach for the Site.

2. Current actions

No other removal activities are being conducted at the Site. The Remedial Program's goal is to submit and have the ROD approved.

C. State and Local Authorities' Roles

1. State and local actions to date

In 2012, MassDEP assisted EPA in conducting soil sampling and analysis at the residential properties that will be addressed in this TCRA.

In other areas of the Site, MassDEP performed an emergency removal action consisting of emptying and over-packing the contents of various containers, totes, and drums that had been left on the W&L property. All of the liquid waste from the wastewater treatment system and most of the liquid waste from plating tanks was siphoned off and disposed. In 2011 and 2012, ESM, a contractor to MassDEP, installed shallow and deep well couplets and piezometers and staff gauges in Bliss Brook. The work established that groundwater was discharging to Bliss Brook. All of the MassDEP monitoring wells and selected older wells were sampled for hexavalent chromium, lead, and VOCs in early March 2012.

In February 2010, MassDEP's Field Assessment and Support Team (FAST) performed a vapor intrusion study for five homes around the Site. The work consisted of sub-slab soil gas and basement indoor air sampling.

2. Potential for continued State/local response

EPA is the lead agency at this NPL Site and does not anticipate that the State will participate directly in the proposed Removal Action. The Removal Program will work with the Remedial Project Manager (RPM) and Community Involvement Coordinator (CIC) to provide public outreach and coordinate with MassDEP and the City of Attleboro.

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)];

Residents at the identified properties are exposed to levels of lead in the residential soils that present an unacceptable risk to human health. Based on the site specific human health risk assessment and the results of the PA/SI, residents are at risk have a potential to be exposed to lead concentrations over 200 mg/kg. Seven residential properties have an average lead concentration above 200 mg/kg.

The main target for lead toxicity is the nervous system, both in adults and children. Children are more vulnerable to the effects of lead than adults. The fine fraction sampling that was conducted quantifies the lead that has a higher probability of adhering to a child's hands and then subsequently being ingested.

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)];

Per the HHRA, lead concentrations that average above 200 mg/kg per property pose an imminent threat to human health and the environment. Seven residential properties have an average lead concentration above 200 mg/kg, in so doing, there is an imminent threat to human health on these properties.

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

EPA's Remedial Program has requested EPRB to abate the threats outlined above so that they are addressed more quickly than would otherwise be possible. Due to the limited scope of the proposed Removal Action, and because EPA is the lead agency at this Site, it is not reasonable to expect that the State would participate directly in the execution of the proposed Removal Action.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment. In accordance with OSWER Directive 9360.0-34 (August 19, 1993), an endangerment determination is made based on "appropriate Superfund policy or guidance, or on collaboration with a trained risk assessor," which is outlined and discussed in Section III above. "Appropriate sources include, but are not limited to, relevant action level or clean-up standards, Agency for Toxic Substances and Disease Registry documents or personnel, or staff toxicologists."

In this case, EPA's endangerment finding is based upon (1) the May 2019 risk evaluation, titled *Baseline Human Health Risk Assessment Walton & Lonsbury Superfund Site Attleboro, Massachusetts, May 2019;* (2) removal action lead guidance under EPA Region 1's *Region 1 Interim Lead Strategy*, September 1, 2017; and (3) EPA's Office of Emergency and Remedial Response handbook, dated August 2003, entitled *Superfund Lead-Contaminated Residential Sites Handbook.* The August 27, 2014 memorandum states that, "existing guidance provides that responders should consider early or interim actions(s) where appropriate to eliminate, reduce, or control the hazards posed by a Site."

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The proposed removal action includes removing and disposing of lead contaminated soil from 7 residential properties.

A. <u>Proposed Actions</u>

1. Proposed action description

1. Conduct a site walk with EPA contractors to determine appropriate equipment, personnel and utilities and to ascertain the location of utilities;
2. Development and implementation of the following plans:
    a. Site Specific Health and Safety Plan (HASP);
    b. Sampling and Analysis Plan (SAP);
    c. Air Monitoring Plan;
    d. Site Traffic Plan;
    e. Site Security Plan;

   f. Site Specific Data Management Plan
   g. Stormwater and Erosion Control Plan;
3. Mobilize personnel and equipment to the Site;
4. Confirm sample locations and excavation areas;
5. Photo and video document all conditions on the properties;
6. Establish a soil storage area at the Site;
7. Prepare excavations areas, e.g. personal property identification and relocation, tree removal, brush clearing, etc.;
8. Excavate lead contaminated soils at the residential properties;
9. Plan for and execute proper sampling, characterization, and disposal of hazardous materials that will be generated at an EPA approved off-site disposal facilities;
10. Repair response related damage;
11. Demobilize resources.

2. Community relations

A Community Relations Plan has been developed and implemented throughout the NPL remedial process. The EPA will remain involved with the local community during the removal action through press releases, fact sheets, and public meetings, as necessary. The OSC will receive assistance from the EPA RPM and Community Involvement Coordinator (CIC) to assist with all public relations activities. The OSC will coordinate with Weston to prepare an Administrative Record File and issue a public notice. The OSC will be available at the Site during removal activities to address any questions or concerns from the public. EPA will work closely with the state, town, tribal government, local businesses, and the community.

3. Contribution to remedial performance

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action with respect to the release or threatened release concerned. The cleanup proposed in this Action Memorandum is designed to mitigate the threats to human health and the environment posed at the identified residential properties at the Site. The actions taken will be consistent with and will not impede any future responses. All removal actions will be coordinated with the Site's RPM.

4. Description of innovative technologies and sustainable approaches

In accordance with the December 23, 2013 Memorandum, updated August 2, 2016, issued by Office of Land and Emergency Management as well as the Region 1 Clean and Greener Policy for Contaminated Sites, greener cleanup practices should be considered for all cleanup projects. Greener cleanup is the practice of incorporating practices that minimize the environmental impacts of cleanup actions and maximize environmental and human benefit. Alternative technologies and sustainable approaches will be considered and incorporated, as appropriate, throughout the implementation of the removal action.

5. Applicable or relevant and appropriate requirements (ARARs) or To Be Considered (TBCs) guidance or criteria

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." ARARs and TBCs specific to this Removal Action are further described below.

Federal TBC

Updated Scientific Considerations for Lead in Soil Cleanups - OLEM Directive 9200.2-167
Memorandum providing information related to blood lead levels to be considered during risk evaluations of lead.

Federal ARARs

Protection of Wetlands (Executive Order 11990) 44 CFR Part 9
Per the FEMA regulations (44 CFR Part 9; incorporating requirements under Executive Order 11990), federal agencies are required to avoid adversely impacting federal jurisdictional wetlands unless there is no practicable alternative with lesser effects and the proposed action includes all practicable measures to minimize harm to federal jurisdictional wetlands that may result from such use.

Floodplain Management (Executive Order 11988) 44 CFR Part 9
Per the FEMA regulations (44 CFR Part 9; incorporating requirements under Executive Order 11988), federal agencies are required to avoid long-and short-term adverse impacts associated with the occupancy and modification of federally- designated 100-year and 500-year floodplain wherever there is a practicable alternative.

Clean Water Act, Guidelines for Specification of Disposal Sites for Dredged or Fill Material 33 U.S.C. § 1344; § 404(b)(1); 40 CFR Part 230, 231, and 33 CFR Parts 320-323

Controls discharges of dredged or fill material to protect aquatic ecosystem. This alternative includes work to be performed in a wetland. Under this requirement no activity that adversely affects a wetland shall be permitted if a practicable alternative with lesser effects is available. If activity takes place, impacts must be minimized to the maximum extent. Sets standards for restoration and mitigation required as a result of unavoidable impacts to wetland and aquatic resources. EPA must determine which alternative is the "Least Environmentally Damaging Practicable Alternative" (LEDPA) to protect wetland and aquatic resources.

Requirement Citation Requirement Synopsis Management of Undesirable Plants 7 U.S.C. § 2814
Regulations calling for federal actions to contain or control undesirable plant species or group of species using all available methods, including: (A) preventive measures; (B) physical or mechanical methods; (C) biological agents; (D) herbicide methods; and (E) general land management practices.

Historic Sites Act of 1935; National Historic Landmarks 16 USC 469 et seq.; 36 CFR Part 65
The purpose of the National Historic Landmarks program is to identify and designate National Historic Landmarks and encourage the long-range preservation of nationally significant properties that illustrate or commemorate the history and prehistory of the United States.

National Historical Preservation Act 16 USC 470 et seq.; 36 CFR Part 800
When a federal agency finds, or is notified, that its activities may cause irreparable loss or destruction of significant scientific, pre-historical, historical, archeological data, such agency shall consult with relevant federal and State officials to address the preservation of such data or other forms of mitigation, as necessary.

Endangered Species Act 16 USC 1531 et seq.; 50 CFR Part 402
If a location contains a federal endangered or threatened species or its critical habitat, and an action may impact the species or its habitat, the U.S. Fish & Wildlife Service or the National Marine Fisheries Service must be consulted.

Resource Conservation and Recovery Act (RCRA) Subtitle C; Hazardous Waste Identification and Listing Regulations; Generator and Handler Requirements 42 USC §6904 et seq.; 40 CFR Parts 260-262
Federal standards used to identify, manage, and dispose of hazardous waste. Massachusetts has been delegated the authority to administer these RCRA standards through its state hazardous waste management regulations. These provisions have been adopted by the State.

Clean Water Act; National Pollutant Discharge Elimination System (NPDES) 40 CFR Parts 122 and 125
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.

Clean Water Act, National Recommend Water Quality Criteria (NRWQC) 33 U.S.C. § 1314, 40 CFR Part 131
NRWQC are health-based criteria developed for chemical constituents in surface water. They have been developed to protect aquatic life and human health from harmful effects due to exposure to chemically impacted surface water. Performance standards to be used for monitoring surface water and sediment during removal activities.

Clean Air Act (CAA), Hazardous Air Pollutants; National Emission Standards for Hazardous Air Pollutants (NESHAPS) 42 USC §112(b)(1); 40 CFR Part 61
The regulations establish emissions standards for 189 hazardous air pollutants. Standards set for dust and other release sources. Generation of investigation derived waste. USEPA OSWER Publication 9345.3-03 FS (January 1992) Guidance on the management of Investigation Derived Waste (IDW) in a manner that ensures protection of human health and the environment.

State ARARs

Wetlands Protection Act Mass. Gen. Laws ch. 131, §40; Wetlands Protection Regulations (310 CMR §10.00)
Sets performance standards for dredging, filling, altering of inland wetland resource areas and sets buffer zones within 100 feet of a vegetated wetland and 200 feet from a perennial stream. The standards include mitigation requirements for alteration of regulated wetland resource areas. Resource areas at the site covered by the regulations include banks, bordering vegetated wetlands, land under bodies of water, land subject to flooding, and riverfront.

Antiquities Act and Regulation; Protection of Properties included in the State Register of Historic Places Mass. Gen. Laws ch. 9 §§ 26-27; 950 CMR § 71.00
Projects which are state-funded or state- licensed or which are on state property must eliminate, minimize or mitigate for adverse effects to properties that are listed in the register of historic places.

Solid Waste Management Facility Regulations 310 CMR 19.00
The regulations contain requirements for disposal of solid wastes.

Massachusetts Hazardous Waste Rules for Identification and Listing of Hazardous Wastes 310 CMR 30.100
Massachusetts is delegated to administer RCRA through its State regulations. These regulations establish requirements for determining whether wastes are characteristic hazardous waste.

Massachusetts Hazardous Waste Management Rules– Requirements for Generators 310 CMR 30.300
These regulations contain requirements for generators of hazardous waste. The regulations apply to generators of sampling waste and also apply to the accumulation of waste prior to off-site disposal.

Massachusetts Hazardous Waste Management Rules – General standards for hazardous waste facilities 310 CMR 30.500
General facility requirements for waste analysis, security measures, inspections, and training requirements. Section 30.580 addresses closure and Section 30.590 post-closure of hazardous waste facilities.

Massachusetts Hazardous Waste Rules – Containers 310 CMR 30.680
Establishes requirements for the management of containers, such as drums, that would hold field-generated hazardous wastes.

Massachusetts Hazardous Waste Rules - Management, Storage, and Treatment in Tanks 310 CMR 30.690
These standards specify requirements for tank systems used to store or treat hazardous waste. Provides specifications for design and installation of tank systems. Requires secondary containment, leak detection systems, and inspections. Identifies general operating requirements, and closure and post- closure care.

Massachusetts Clean Water Act; Surface Water Discharge Permit Regulations 314 CMR 3.00
These regulations provide that discharges to waters of the Commonwealth shall not result in exceedances of MA Surface Water Quality Standards (MSWQS).

Massachusetts Clean Water Act; MA Surface Water Quality Standards (MSWQS) 314 CMR 4.00
These standards designate the most sensitive uses for which the various waters of the Commonwealth shall be enhanced, maintained, or protected. Minimum water quality criteria required to sustain the designated uses are established.

Massachusetts Ambient Air Quality Standards 310 CMR 6.00
Sets primary and secondary standards for emissions of certain contaminants, including particulate matter.

Massachusetts Air Pollution Control Regulations 310 CMR 7.00
These regulations set emission limits necessary to attain ambient air quality standards. Erosion and Sediment Control Guidance on preventing erosion and sedimentation.

42 North Avenue is listed on the National Register of Historic Places. EPA has consulted with the Massachusetts State Historic Preservation Officer, and there has been a determination that the actions taken in this TCRA will not adversely impact this property.

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

6. Project schedule

EPA plans to initiate this TCRA during the Fall of 2019. The OSC expects all site preparations and excavations to be completed within 3 months of the start date. The OSC is anticipating that all restoration work will be completed in the spring of 2020.

B. Estimated Costs

COST CATEGORY		CEILING
REGIONAL REMOVAL ALLOWANCE COSTS:		
ERRS Contractor		$450,000.00
OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:		
START Contractor		$200,000.00
Extramural Subtotal		$650,000.00
Extramural Contingency	15%	$97,500.00
TOTAL, REMOVAL ACTION CEILING		**$747,500.00**

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

In the absence of the response actions described herein, conditions at the Site will persist. Delayed action will increase public health risks due to the potential for residents to be exposed to lead contamination on their properties.

VII. OUTSTANDING POLICY ISSUES

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

VIII. ENFORCEMENT ... For Internal Distribution Only

See attached *Walton & Lonsbury Fund-Lead RI/FS Determination* dated February 21, 2013.

EPA has performed a number of potential responsible party (PRP) search related activities, including sending information requests pursuant to CERCLA § 104(e), reviewing files, and performing record searches. As a result of those PRP search activities, EPA determined there were no viable PRPs that could finance and/or perform the RI/FS. Thus, EPA determined to proceed with a fund-financed RI/FS and any future EPA actions at the Site .

The total EPA costs for this removal action that will be eligible for cost recovery are estimated to be $747,500.00 (extramural costs) + $50,000.00 (EPA intramural costs) = $*797,500.00* X 1.4957 (regional indirect rate) = **$1,*192,820.*** [1].

IX. RECOMMENDATION

This decision document represents the selected removal action, which is part of the Walton & Lonsbury Superfund Site, located in Attleboro, Massachusetts, developed in accordance with CERCLA, as amended, and is not inconsistent with the National Contingency Plan. The basis for this decision will be documented in the administrative record to be established for the Site.

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

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

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[1]Direct Costs include direct extramural costs $*747,500.00* and direct intramural costs $*50,000.00*. 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 49.57% x $*797,500.00*, consistent with EPA's full cost accounting methodology effective October 01, 2018. These estimates do not include pre-judgment interest, do not consider other enforcement costs, including Department of Justice costs, and may be adjusted during 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.

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

The 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 $747,500.00.

APPROVAL:_____ DATE: 9/3/19

DISAPPROVAL:_____ DATE:_____