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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region I

In the Matter of:)
) Docket No. 83-1047
Cornell-Dubilier Electronics)
Corporation)
New Bedford, Massachusetts)
Respondent)

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

PREAMBLE

The following ORDER is being issued pursuant to the authority vested in the President by Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9606, and delegated to the Coast Guard by Section 8(f) of Executive Order 12316 (August 14, 1981), and redelegated by the Coast Guard to EPA, by the Instrument of Redeflegation, signed October 2, 1981, by the Secretary of Transportation, and October 9, 1981, by the Administrator of EPA, who duly redelegated the authority to the Regional Administrator on April 1, 1983. Notice of the issuance of this order has been given to the Commonwealth of Massachusetts.

This Order is based on sampling conducted by EPA on August 31, 1982; on June 14, 1983 by NUS Corporation; and by GCA Corporation (authorized representatives of EPA) on October 20 and 21, 1982, and December 10 and 14, 1982. On the basis of these results, EPA has determined that there may be an imminent and substantial endangerment within the meaning of Section 106 of CERCLA, and, pursuant to its authority under that section, EPA now seeks implementation of the measures called for in the following Order.

FINDINGS OF FACT

1. Cornell-Dubilier Electronics Corporation (CDE) is a Massachusetts corporation which owns property located at 1604 East Rodney French Boulevard, New Bedford, Massachusetts, and operates a factory thereon.
2. CDE manufactures electronic components, including capacitors, and, prior to 1977 utilized polychlorinated biphenyls (PCBs) in the manufacturing of these components.
3. The New Bedford municipal sewer system is a combined stormwater/sewage system. To prevent overloading the capacity of the system, there are approximately twenty-seven (27) combined sewer over-

flows (CSOs) which discharge stormwater and untreated sewage directly into Buzzards Bay and the Acushnet River Estuary during storm events. There are at least three (3) CSOs in the vicinity of CDE which discharge directly into Buzzards Bay.

4. The New Bedford Municipal Wastewater Treatment Facility is a primary treatment plant with a design capacity of 30 million gallons per day. The outfall from the plant extends 3,300 feet into Buzzards Bay.

5. The CDE facility has discharged, and continues to discharge wastewaters to a twenty-four inch diameter sewer line on David Street and a twelve-inch diameter sewer line on Mott Street.

6. A yard drain located in the northwest corner of the CDE facility has also discharged to the David Street line.

7. On August 16, 1975, EPA sent a letter to CDE pursuant to Section 308 of the Clean Water Act, 33 U.S.C §13, requesting information concerning CDE's handling and disposal of PCBs. CDE responded on September 12, 1975, stating, inter alia, that in December 1974 samples of discharges into the sewer line showed PCB concentrations of 0.338, 0.705 and 0.389 parts per million.

8. The Commonwealth of Massachusetts closed approximately 17,000 acres of productive fisheries in Buzzards Bay due to contamination of fish and shellfish with PCBs in excess of the U.S. Food and Drug Administration action level of 5 parts per million (ppm).

9. Under an existing Consent Agreement and Final Order (TSCA Docket No. 81-1001), CDE removed PCB contaminated sediments from the municipal sewer lines on Mott and David Streets, between their facility and the main interceptor on East Rodney French Boulevard. The contaminated sediments were placed in drums and stored on-site prior to disposal. On August 31, 1982, EPA personnel randomly sampled sediments from 6 of these drums and analyzed the samples for PCBs. The concentrations of total PCBs (as Aroclors 1242 & 1254) ranged from 13,000 ppm dry weight (dw) to 32,200 ppm (dw) (Attachment A).

10. On October 20 and 21, 1982, GCA Corporation conducted a sampling survey of bottom sediments from Buzzards Bay and the Acushnet River in close proximity to the combined sewer overflows. The concentration of total PCBs (as Aroclors 1242 + 1254) in bottom sediments near the CSOs near CDE (between Cove Street and Butler Street) ranged from 8 ppm (dw) to 14 ppm (dw) in the upper 8 cm of sediment (sampling stations OF16 - OF18, Attachment A).

The remaining CSOs on the peninsula had bottom sediment concentrations of less than 1 ppm (dw) to 2 ppm (dw) (Attachment A).

11. On December 10 and 14, 1982, GCA Corporation conducted a sampling survey of the New Bedford municipal sewer system. Sediment samples were collected from 19 locations. The results of this study indicate that portions of the sewer system in close proximity to CDE are highly contaminated with PCBs (the East Rodney French Boulevard line).

The concentration of total PCBs (as Aroclors 1242 + 1254) ranged from 16 ppm (dw) to 78,000 ppm (dw) (sampling stations MS8 - MS12, Attachment A). In general, sediment samples from lines distal to CDE had PCB concentrations less than 2 ppm (dw) (Attachment A).

12. On June 14, 1983, NUS Corporation conducted a sampling survey on selected portions of the New Bedford municipal sewer system. Sediment samples were collected from 3 stations located between CDE and the Cove Road pumping station. The concentration of total PCBs (as Aroclors 1242 + 1254) ranged from less than one ppm (dw) to 17,000 ppm (dw) (sampling stations MS20 - MS22, Attachment A).

13. PCBs are hazardous substances as that term is defined at §101(14) of CERCLA. PCBs are suspected carcinogens

and are persistent in the environment.

PCBs are highly lipophilic and bioconcentrate to high concentrations in tissue from low levels in water.

Chlorobiphenyls also accumulate in the food chain. Due to these phenomena, extremely low levels of PCBs in aquatic environments can result in high levels of PCBs in fish, shellfish and other biota. As a consequence, fish and other foods obtained from aquatic environments are potentially significant sources of PCB exposure to humans, even if PCB levels in the water are low.

DETERMINATIONS

Upon the basis of the foregoing, EPA has determined that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of the presence of PCBs in the New Bedford Municipal Sewer System, and because of the release or threat of the release of PCBs to Buzzards Bay. EPA has determined that discharges of PCBs into the sewer lines from the Cornell-Dubilier facility are the principal cause of the existing accumulations of PCB's in the lines.

This determination is based on information received since the issuance of the Consent Agreement and Final Orders, TSCA Docket No. 81-1001, and nothing in that Order may be construed to limit EPA's

authority to issue the following Order.

ORDER

Based upon the foregoing determinations and findings of fact, it is hereby Ordered that:

I. The Respondent shall develop a Remedial Action Plan (hereinafter "The Plan") which will consist of an engineering plan for the removal and disposal of PCB contaminated sediments from selected areas of the New Bedford Municipal Sewer System to a residual level of less than or equal to 2ppm (dw) in remaining sediments. The sewer lines to be cleaned include the East Rodney French Boulevard line from Rodney Street to Cove Street; the Cove Street Line from East Rodney French Boulevard to Stapelton Street; and, the Stapelton Street line from Cove Street to Cove Road (Attachment B). Specifically, Respondent shall:

A. Within fifteen (15) days of receipt of this order retain an engineering consulting firm and such other independent consultant or consultants as are required to implement the actions specified by this Order. All plans, reports, and studies required by this Order to be submitted by CDE shall be prepared by the above mentioned independent consultant(s).

B. Within forty-five (45) days of receipt of this order submit in writing to EPA The Plan, which at a minimum shall include:

1. A physical survey of the lines to be cleaned.
2. An estimate of the amount of sediments to be removed.
3. Identification of any structural abnormalities which could impact the cleaning process; and, requisite mitigating measures to resolve such problems.
4. The length and size of the lines to be cleaned.
5. A work plan, including construction schedule, to comply with the ordered milestone dates, as set forth in Part III of this Order.
6. An assessment of cleaning methodologies and selection of the most appropriate method, including specific measures to prevent further migration of the contaminated materials during the removal process.
7. An assessment of disposal methods and selection of the most appropriate method. Removal and disposal of all PCB contaminated materials shall be in compliance with 40 C.F.R. Part 761 and any other applicable federal, state, and local regulations.
8. A post-remedial action sampling and analysis program to determine compliance with the specified residual level (≤ 2 ppm). At a minimum, this will include six (6) sampling locations and reporting the average of three (3) grab samples at each location.

All sampling and analysis conducted by CDE or its consultant(s) pursuant to this order shall be performed according to approved analytical procedures and protocols for analysis of PCB content. All PCB measurements of soil or sediment samples shall be reported on a dry weight basis. CDE shall submit to EPA for approval, as a part of The Plan, a quality assurance/quality control program in accordance with EPA guidance document QAMS-005/80 which will be utilized at all times during the sampling and analysis program. CDE shall provide notice of sampling to be conducted pursuant to this Order at least two (2) working days in advance of such sampling.

Respondent may, during this time period confer with EPA and seek preliminary conceptual approval of any methodology which Respondent intends to submit as part of the proposed plan.

II. EPA will review The Plan as proposed by the Respondent and will transmit to Respondent in writing the results of this review along with any modifications or changes to The Plan. The Plan will become effective as a fully enforceable portion of this Order upon receipt by Respondent of such transmission.

III. A. Upon receipt of approval, Respondent shall implement The Plan, as it may be modified by EPA, according to the approved schedule. The Respondent shall notify EPA at least two (2) working days in advance of initiating this work.

B. By no later than sixty (60) days after commencement of the remedial work Respondent shall complete the removal of sediments from the sewer lines as specified in the approved Plan.

C. Within seven (7) days of completion of removal of the contaminated sediments Respondent shall conduct the approved post remedial action monitoring plan, as it may be modified by EPA.

D. By no later than thirty (30) days after completion of removal of contaminated sediments, the sediments must be transported to a hazardous waste disposal facility that is approved by EPA for the disposal of PCBs.

E. Within fifteen (15) days of receipt of the confirmation of receipt of waste from the disposal facility, Respondent shall submit a copy of the confirmed hazardous waste manifest to EPA.

F. By no later than forty-five (45) days after completing the removal of contaminated sediments from the sewer lines

Respondent shall submit to EPA a complete written report describing the above mentioned activities, including all required monitoring data.

EFFECTIVE DATE - OPPORTUNITY TO CONFER

You may, within fourteen (14) calendar days after receipt of this Order, request a conference with Michael R. Deland, the Regional Administrator of EPA Region I, or his designee, to discuss the Order; its applicability to you; the correctness of any factual determinations upon which the Order is based; the appropriateness of any action which you are ordered hereby to take and any other relevant and material issue.

If a conference is requested, this Order will not become effective until the expiration of the said fourteen day period. All times for performance of response activities shall be calculated from that date. However, you are hereby placed on notice that EPA may take any action, including the actions described in this Order, which may be necessary in the opinion of EPA for the protection of public health and welfare and the environment, and you may be liable under §107(a) of CERCLA for the

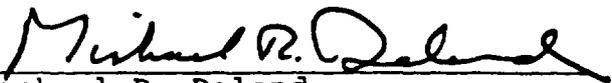
costs of those government actions.

At any conference held pursuant to your request, you may appear in person and/or by attorney or other representatives for the purpose of presenting any objections, defenses or contentions which you may have regarding this Order. If you desire such a conference, please contact Merrill Hohman, Director, Waste Management Division, U.S. Environmental Protection Agency, Region I, 19th Floor, J.F.K. Federal Building, Boston, Massachusetts 02203 at (617)223-5186 within the time set forth above for requesting a conference.

PENALTIES FOR NON-COMPLIANCE

Pursuant to Section 106(b) 42 U.S.C. 9606(b) and Section 107(c)(3) 42 U.S.C. 9607(c)(3) of CERCLA, you are advised that willful violation or failure or refusal to comply with this Order, or any portion thereof, may subject you to a civil penalty of not more than \$5,000.00 for each day in which violation occurs or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause, may also subject you to liability for punitive damages in the amount of three times the total of all costs incurred by the government as a result of your failure to take proper action.

Issued at Boston, Massachusetts this 30th day
of September, 1983.


Michael R. Deland
Regional Administrator
United States Environmental
Protection Agency

Region I, Boston, Massachusetts