



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

**CONTAINS ENFORCEMENT-SENSITIVE INFORMATION**

**MEMORANDUM**

**DATE:** March 18, 2014

**SUBJ:** Request for funding, Change in Scope of Response, Ceiling Increase, and an Exemption from the Statutory 12-Month Limit to conduct a Time-Critical Removal Action at the Raymark Industries OU6 – Airport Property Site, Stratford, Fairfield County, Connecticut - **Action Memorandum Addendum**

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**TO:** James T. Owens III, Director *Nancy Bennett for*  
Office of Site Remediation and Restoration

**I. PURPOSE**

The purpose of this Action Memorandum Addendum is to request and document approval for a Change in Scope of Response, Ceiling Increase, and an Exemption from the Statutory 12-Month Limit for the Removal Action at the Raymark Industries OU6 – Airport Property Site (the “Airport Property”), which is located along the north side of Main Street (State Route 113) in Stratford, Fairfield County, Connecticut, generally opposite of Runway 24 of the Igor I. Sikorsky Memorial Airport (the “Airport”).

A 12-month exemption was approved in the original Action Memo dated June 25, 2013. Hazardous substances present in soils at the Airport Property, if not addressed by implementing the response actions selected in this Action Memorandum Addendum and the previously

approved Action Memorandum dated June 25, 2013, will continue to pose a threat to human health and the environment. There are no nationally significant or precedent-setting issues associated with this action, and there has been no use of the OSC's \$200,000 warrant authority.

## II. SITE CONDITIONS AND BACKGROUND

**CERCLIS ID# :** CTD001186618  
**SITE ID# :** 01H3  
**CATEGORY :** Time-Critical

### A. Site Description

#### 1. Removal site evaluation

Please refer to the attached initial Action Memorandum dated June 25, 2013. Subsequent to the approval of the initial Action Memo, URS, consultant for the City of Bridgeport and Connecticut Department of Transportation (CTDOT), further delineated the extent of soil contaminated with hazardous substances originating from the former Raymark Industries, Inc facility (“Raymark Waste”) present at the Site though additional sampling events conducted in October and December 2013, as well as January 2014.

#### 2. Physical location

The Airport Property is located on Main Street (SR 113) in Stratford, Fairfield County, Connecticut. The Airport Property located immediately north of the Runway 24 at Airport along the north side of Main Street. The approximate geographic coordinates for the Airport Property are 77.03655W (Longitude) and 38.89767N (Latitude).

#### 3. Site characteristics

Please refer to the attached initial Action Memorandum dated June 25, 2013.

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

Please refer to the attached initial Action Memorandum dated June 25, 2013. Subsequent to the approval of the initial Action Memo, further sample collection and delineation were performed to determine the extent of Raymark Waste within the tidal ditch.

## **5. NPL status**

The site is currently on the National Priorities List.

## **B. Other Actions to Date**

### **1. Previous actions**

Please refer to the attached initial Action Memorandum dated June 25, 2013.

### **2. Current actions**

On January 7, 2014, EPA, the Federal Aviation Administration (FAA), the Connecticut Department of Energy and Environmental Protection (CTDEEP), CTDOT, the City of Bridgeport, the City of Stratford, CME (consultant for CTDOT) and URS (consultant for the City of Bridgeport and CTDOT) met at CTDOT's office in Newington, Connecticut. It was collectively agreed that Raymark Waste was not fully delineated within the tidal ditch area and that information was needed before next steps on moving the project forward could be determined.

In mid-January 2014, additional delineation sampling was performed to determine the extent of Raymark Waste within the tidal ditch by URS with support from CTDEEP and EPA. This sampling event identified the presence of Raymark Waste within the tidal ditch at various locations. URS has estimated that an additional 234 cubic yards of soil/sediment contaminated with Raymark Waste to be within these areas, compared to the Raymark Waste area previously delineated.

On January 28, 2014, EPA, FAA, CTDEEP, CTDOT, the City of Bridgeport, the City of Stratford, CME, and URS met at CTDOT's office in Newington, Connecticut to determine how to best proceed with this project given this new information on the extent of Raymark Waste. FAA articulated that they would only be able fund the Raymark Waste removal up to the edge of tidal ditch as delineated prior to the mid-January 2014 sampling event. EPA indicated that the agency would work with CTDEEP to address the remaining estimated 234 cubic yards of Raymark Waste within the tidal ditch to facilitate the full implementation of the Removal Work Plan (RWP).

On February 11, 2014, URS submitted a revised draft RWP, which included the removal of this additional volume of Raymark Waste, to EPA and CTDEEP for review. EPA provided comments to URS on the draft RWP on February 18, 2014; and the RWP was approved on February 28, 2014. On March 5, 2014, CTDOT advertised the airport project for bids to have the RWP implemented in late spring/early summer 2014.

**C. State and Local Authorities' Roles**

**1. State and local actions to date**

Please refer to the attached initial Action Memorandum dated June 25, 2013.

**2. Potential for continued State/local response**

CTDEEP will continue to work with EPA and the implementing agencies throughout this project to ensure state ARARs are fulfilled. The City of Bridgeport and CTDOT, along with their contractors and consultants, will implement the removal action to address the Raymark Waste at the Airport Property Site pursuant to the Administrative Settlement Agreement and Order on Consent (AOC) between EPA and the City of Bridgeport. Through a site specific cooperative agreement, CTDEEP will apply for funds to be provided by EPA to address the estimated 234 cubic yards of Raymark Waste within the tidal ditch.

**III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

There have been no changes to the threats to public health or the environment since the original Action Memorandum dated June 25, 2013.

**IV. ENDANGERMENT DETERMINATION**

Actual or threatened releases of hazardous substances or pollutants or contaminants from the Airport Property, if not addressed by implementing the response action selected in this Action Memorandum Addendum and in the initial Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

**V. EXEMPTION FROM STATUTORY LIMITS**

CERCLA Section 104(c) states that removal actions may 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 otherwise appropriate and consistent with the remedial action to be taken. As described below, conditions at the Airport Property meet the criteria for the consistency exemption.

### **A. Appropriateness**

EPA OSWER directive 9360.0-12 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 off-site policy.

As noted previously, Raymark Waste has been documented to be present at or near ground surface at the Airport Property. Access onto the property is unrestricted, and, thereby, trespassers can come into contact with Raymark Waste. Additionally, absent the removal of Raymark Waste, construction activities related to this proposed airport improvement project would impact the contaminated soils at or near the surface and would potentially expose workers and abutting properties to the soils at depth, which contain some of the higher lead concentrations, as well as the PCBs and Asbestos which are all related to the Raymark Waste.

The proposed removal action by the City of Bridgeport and the work supplemented by EPA and CTDEEP will meet criteria 1, 2, and 4 because the action will remove the Raymark Waste, prevent any further migration of contaminants related to Raymark Waste, and such waste will be transported off-site for proper disposal at EPA-approved disposal facilities.

### **B. Consistency**

The Site is currently listed on the NPL. The proposed removal action by the PRP, whereby the entire Raymark Waste area will be removed for off-site disposal at EPA-approved disposal facilities, will facilitate a permanent Site remedy and is thus consistent with any appropriate long-term remedial action.

## **VI. PROPOSED ACTIONS AND ESTIMATED COSTS**

### **A. Proposed Actions**

#### **1. Proposed action description**

The objectives of the original Action Memorandum dated June 25, 2013 and the AOC between EPA and the City of Bridgeport remain the same. The change of scope of response under this Action Memo Addendum is to include response actions that would

allow CTDEEP through a site specific cooperative agreement with EPA to supplement the work of the implementing parties by addressing the Raymark Waste within the tidal ditch. Specific to this addendum are these response actions to address Raymark Waste within the tidal ditch:

- Excavate soil/sediment contaminated with Raymark Waste within the tidal ditch area as delineated in the RWP;
- Dewater excavated soil/sediment contaminated with Raymark Waste;
- Conduct onsite treatment of contaminated soil/sediment to mitigate the leachability of lead and/or other hazardous substances to render it as nonhazardous;
- Transport and dispose treated waste-streams at EPA-approved, off-site disposal facilities; and
- Repair response-related damages.

## **2. Community relations**

Over the past several years, EPA's Remedial Program has been working closely with its community involvement coordinator (CIC) on disseminating information regarding the Raymark Industries Superfund Site to the Town of Stratford and the immediately impacted community. The OSC will work with the CIC and implementing agencies to ensure that on-going communication efforts are continued during the removal action.

## **3. Contribution to remedial performance**

The cleanup proposed in this Action Memorandum Addendum is designed to mitigate the threats to human health and the environment posed by the Airport Property. The actions taken at the Airport Property will be consistent with and will not impede any future responses.

## **4 Description of alternative technologies**

Please refer to the attached initial Action Memorandum dated June 25, 2013.

## **5. Applicable or relevant and appropriate requirements (ARARs)**

Please refer to the attached initial Action Memorandum dated June 25, 2013.

## **6. Project schedule**

Pending FAA funding availability and CTDOT's contractor selection and awarding process, the removal action is expected to commence in the spring/summer of 2014.

**B. Estimated Costs**

<b>COST CATEGORY</b>	<b>CURRENT CEILING</b>	<b>COSTS TO DATE</b>	<b>PROPOSED CEILING</b>
<i>REGIONAL REMOVAL ALLOWANCE COSTS:<sup>1</sup></i>			
ERRS <sup>2</sup> Contractor	\$1,000,000.00	\$0.00	\$1,000,000.00
Site Specific Cooperative Agreement (CTDEEP)	\$0.00	\$0.00	\$300,000.00
<i>OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:</i>			
START <sup>3</sup> Contractor	\$300,000.00	\$0.00	\$300,000.00
Extramural Subtotal	\$1,300,000.00	\$0.00	\$1,600,000.00
Extramural Contingency (20%)	\$260,000.00	\$0.00	\$320,000.00
<b>TOTAL, REMOVAL ACTION CEILING</b>	<b>\$1,560,000.00</b>	<b>\$0.00</b>	<b>\$1,920,000.00</b>

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

The impending safety improvements to the Airport, which are authorized by congressional legislation, are required to be completed by 2015. Construction activities related to this proposed airport improvement project would not only impact the contaminated soils at or near the surface, but would also potentially expose construction workers and commercial workers and abutting properties to the soils at depth that contain some of the higher lead concentrations, as well as the PCBs and Asbestos which are all related to the Raymark Waste. The absence of a removal action described herein will cause conditions at the Airport Property to remain unaddressed, and threats associated with the presence of hazardous substances will continue to pose a threat to human health and the environment.

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<sup>1</sup>This cost will be driven by the selected option(s). Should longer term options need to be implemented, additional funding may be required.

<sup>2</sup>Emergency Rapid Response Services

<sup>3</sup> Superfund Technical Assistance and Response Team

## VIII. OUTSTANDING POLICY ISSUES

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

## IX. ENFORCEMENT ... For Internal Distribution Only

See the Enforcement Strategy memorandum attached to the initial Action Memorandum.

The total EPA costs for this removal action based on full-time accounting practices that will be eligible for cost recovery are estimated to be \$1,920,000 (extramural costs) + \$300,000 (EPA intramural costs) = \$2,220,000 X 1.3778 (regional indirect rate) = **\$3,058,716.**<sup>4</sup>

## X. RECOMMENDATION

This decision document represents the selected removal action for the Raymark Industries OU6 – Airport Property Site in Stratford, Connecticut, 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 Airport Property.

Conditions at the Airport Property 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)];*

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

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<sup>4</sup>Direct Costs include direct extramural costs \$1,920,000 and direct intramural costs \$300,000. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific costs 37.78% x \$2,220,000 consistent with the full accounting methodology effective October 1, 2013. 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.

*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)];*

*Other situations or factors that may pose threats to public health or welfare of the United States or the environment [§300.415(b)(2)(viii)].*

Furthermore, site conditions continue to meet the NCP section 300.415(b)(2) criteria for a removal and the criteria for the CERCLA Section 104(c) consistency exemption from the 12-month limitation on removal actions. The removal action proposed in this Action Memorandum Addendum and in the initial Action Memorandum will abate, prevent, minimize, stabilize, mitigate and/or eliminate the release or threat of release of hazardous substances at the Airport Property Site. I recommend your approval of the proposed removal action, ceiling increase, and the exemption from the 12-month limitation. The total project ceiling, if approved, will be increase to \$1,920,000.

APPROVAL:  DATE: 03/18/14

DISAPPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

Attachment 1