

June 30, 2011 Six Pages

Melissa Taylor, Project Manager
US Environmental Protection Agency
From Heather Graf, Coordinator
'Citizens Advisory Shpack Team' (CAST)
Norton, MA

RE: Shpack Superfund Site

PRPs/ERM Proposed Review of Exposure Risk Assessment
Possible Change of Re-Use Scenario in the 30% Design

Background:

June 27, 2011 E-mail from Melissa Taylor:

"Risk Assessment was based on an exposure to an 'Adjacent Resident'. Now that the McGinn House (formerly Shpack) has been razed, and the property deeded to the Town of Norton, there is no longer the same exposure."

"The PRPs have suggested doing an updated 'Risk Review' in the 30% Design using 'Passive Recreation' as an Exposure Scenario instead of 'Adjacent Resident'."

"EPA is in the process of determining if this is acceptable, and if so, what would it mean to the change in the cleanup."

"Essentially, the Corps did their cleanup, and if they met the rad. cleanup levels, but didn't meet the chemical, they backfilled the area (with clean sand) so they could continue working."

"What this means is that there are some areas of the site, Mostly at 3 - 8 Feet depth that exceed the chemical cleanup criteria.

ERM in their 'Risk Review' has suggested that these exceedances, since they are at least 2 Feet deep, do not pose an Unacceptable Risk since the Exposure Scenario has changed."

"I told them that not only will EPA need to buy into this, but I believe the Town of Norton as part owner of the site, would as well."

"It seems a reasonable approach to me, but again, I haven't made a firm decision on this and wanted to get the town's input as well.

I will be meeting with my management this week to discuss this issue."

Comments:

The Town of Norton is the Primary Owner of the Shpack Site, and surrounding properties, as Town Conservation Land. The 2.5 acres in Attleboro abut the Attleboro Landfill (ALI).

We are relieved to hear that the town's input is welcome, as 'Community Acceptance' is one of the 'Nine Criteria for Choosing a Cleanup'***
***[See 'Superfund Program June 2004 **Proposed Plan**
Shpack Landfill Superfund Site Norton, MA']

Note: Although Dave Lederer was Project Manager for EPA in June 2004, you may recall that it was the total lack of Community Acceptance, by the Town of Norton which led to a change in the Remedy.

"State and community concerns are modifying criteria and may prompt EPA to modify the Preferred Alternative or choose Another Alternative."***

Requested: A copy of the report which will detail what chemical exceedances, at what depths were detected (figures/data provided by the Army Corps of Engineers as part of their confirmation sampling).

Melissa: "ERM will send a CD."

Question: Wouldn't a change in the 'Risk Assessment/Exposure Scenario' trigger an 'ESD' (Explanation of Significant Difference) or a 'ROD Amendment'.

Melissa: "I am not sure at this point whether a change in exposure warrants either of these. It is my understanding that if the cleanup numbers do not change, either of these may not be necessary.

Again, I will be discussing this with management as this is their call."

Question: Who is 'Management'?

Question: Do State Environmental Agencies agree with this proposed change? [Also listed as a Criteria for Choosing a Cleanup]***

Mass. DEP does tend to 'go along' with EPA, but expect they would need to be in agreement with the change.

Evaluation of Risk Assessment/Change in Exposure Scenario:

Options Presented in the June 2004 **Proposed Plan*****

Summary of Alternatives (Listing only those which are applicable)

SC 2a Recreation, without adjacent residence, No groundwater exposure

SC 2b Assumes adjacent residence, No groundwater exposure

SC 2 Alternatives are for excavation and off-site disposal of radiological contaminants (Army Corps responsibility) plus 2,250 cubic yards of dioxin and PCB-contaminated sediment (PRPs)

Contaminated sediments in wetland areas of the site would be consolidated to an upland area on-site and the disturbed wetlands restored/and or replicated.

The upland area will be capped to prevent exposure to contaminated waste.

Essentially in the SC 2 Alternatives the chemical contaminants (other than Dioxin and PCBs, as well as heavy metals would NOT be excavated except in wetland areas. Chemical Contaminants in upland areas would not be excavated and disposed of off-site, but left in place.

SC 2b Was EPA's Preferred Alternative

SC 3a Recreation, without adjacent residence, No groundwater exposure

SC 3b Assumes adjacent residence, No groundwater exposure

Under the SC 3 Alternatives, All soil and sediment exceeding cleanup levels would be excavated and transported for off-site disposal.

SC 3b was Norton's Preferred Alternative, the Only Acceptable Alternative

See July 14, 2004 Comment Letter to Dave Lederer, EPA (7 Pages)

'Position Paper For Citizens Advisory Shpack Team (CAST)'

CAST Position Paper:

“We expect the EPA’s final chosen plan of action, and Record of Decision to support modification requested here – changing to Alternative SC-3b for Remedial Action.”

Note: See Also Letters to Dave Lederer from:

Norton Board of Health July 8, 2004

Division of Fisheries and Wildlife July 30, 2004

State Reps. Michael Coppola, Elizabeth Poirier, Philip Travis July 30, 2004

Norton Board of Selectmen

State Senator Jo Ann Sprague Aug. 4, 2004

Congressman Barney Frank Aug. 4, 2004 !!!

Heather Graf Aug. 4, 2004, Aug. 20, 2004, Aug. 25, 2004

Norton Police Dept. Aug. 8, 2004

Norton Conservation Commission Aug. 10, 2004

State Reps. Elizabeth Poirier, Michael Coppola, Philip Travis Aug. 18, 2004

Town of Norton Emergency Management Agency Aug. 22, 2004

Norton Fire and Rescue (Three Letters) Aug. 24, 2004

Ronald O’Reilly Aug. 24, 2004

Kenneth Sejkora, Ph. D. Aug. 25, 2004

Conclusion:

We await further details on the chemical exceedances:

Which contaminants, to what degree, at what depth levels.

A change in exposure from ‘Adjacent Resident’ to ‘Passive Recreation’ does sound reasonable at first glance, given that the adjacent residence (the former McGinn house) has been razed.

However it appears

That ERM and the PRPs may be advocating a change NOT simply from **SC 3b (Adjacent Residence) to SC 3a (Recreation)**

Both of which include excavation of ALL wastes exceeding cleanup levels (with no mention of depth) and off-site disposal.

It appears that ERM and the PRPs are advocating lowering the threshold to **SC 2a (Recreation) which does NOT include excavation and removal of all contaminants exceeding cleanup levels for disposal off-site.**

“SC 3 Alternatives provide the greatest degree of overall protection .”
Both chemical and radiological source materials exceeding cleanup levels would be Permanently Removed from the site, thereby ensuring that this Remedy remains Effective in the Long-term.”***

ERM/PRPs Proposal to change the Risk Assessment/Exposure Scenario: Chemicals and heavy metals remaining in areas where the Army Corps has dug out all of the radiological contaminants, and back filled with sand would be left in place.

This sounds like a radical change in ‘The Remedy’ from the one which We/Norton found acceptable.

As a major change to the Record of Decision, it should trigger an ‘ESD’ (Explanation of Significant Difference) or reopening of the ROD to amend it.

Among the tons of material that were excavated and shipped to Clive, Utah were significant amounts of chemically contaminated soil, that the PRPs have avoided dealing with.

Obviously they will try to do as little as possible, which unfortunately results in them removing as little as possible from the site.

As noted in a 2004 comment letter: Nowhere in EPA’s list of criteria for approval of their cleanup plan, is ‘PRP Satisfaction’.

It is the responsibility of the US Environmental Protection Agency (the lead agency for the Shpack Site) to live up to its name, and the criteria for cleanup of Superfund Sites: for overall protection of human health and the environment which will guarantee a Remedy with Long-term effectiveness and permanence.

The Town of Norton fought for this in 2004, and if necessary will do so again.

As expressed in my July 14, 2004 letter for CAST, we are concerned with long-term monitoring of a still contaminated capped site which could result in a permanent financial and regulatory burden for the Town of Norton.

Those of us who have been involved with the Shpack Superfund Site for eleven years, cannot overlook the plan proposed by the PRPs, then accepted and advanced by EPA in 2004, was basically to cover up, not clean up all of the contaminants.

The fact that EPA Management was not only amenable, but advocating this action (or lack of) is cause for concern again, as lowering the threshold for cleanup (at this late date) is being reconsidered.

The Town of Norton expects EPA to insist the cleanup at the Shpack Site proceeds (as was dictated by the SC 3 Scenarios in the ROD) with the removal and off-site disposal of all contaminated materials.

I do not recall any agreement for exceedances (beyond cleanup criteria) being allowed or acceptable in the SC 3 Scenarios because they were “at least 2 feet deep”.

Finally:

Please clarify which ‘Cleanup Alternative’ is now being considered by EPA
It would appear to be **SC 2a. Recreation**

With all that has already/finally been accomplished towards a total remediation of the Shpack Superfund Site, we expect nothing less.

What is the process EPA must follow for any significant change in the ROD.

Thank you,
Heather Graf
Norton, MA