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# Approval Memorandum

[Date]

[Name and address of approving official]

Re: [ Approval Memo-Site X]

Dear [Name of approving official if an individual]

The purpose of this letter is to seek endorsement approval in order to proceed with an Engineering Evaluation/Cost Analysis (EE/CA) for a non-time critical removal action at the Empire Laundry Property Site. Your concurrence with the recommendations set forth herein will initiate the process for utilizing the X Brownfields Cleanup Revolving Loan Fund (BCRLF) monies for the remediation of the Y site. The Non-Time Critical Removal Action (NTCRA) will be funded under the City's Brownfields Cleanup Revolving Loan Fund (BCRLF) Program.

## I. SUBJECT

The City's BCRLF Program was established through a cooperative agreement with EPA, dated XX/XX/XX. Under this cooperative agreement, the City received \$\_\_\_\_\_ from EPA to establish a loan fund for cleanup of brownfields sites. Under this program, the *City* is acting as the Lead Agency under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP); *Xagency is acting as the Brownfields Site Manager who will oversee cleanup of the site; and Yagency is acting as the Fund Manager who will handle the financial aspects of the loan. Zagency, who currently owns the site, will borrow funds from the BCRLF program under a loan agreement with the City, will undertake the environmental cleanup and subsequently will redevelop the site. This memorandum is not a final Lead Agency decision regarding the selection of a removal action for this Site.*

## II. SITE BACKGROUND

a. Site location and description. The former Empire Laundry facility is located at 31-35 Myrtle Street. The Site occupies 38,000 square feet and topographically is relatively flat. The Site is bounded by Myrtle Street on the west, a parking area and a residential parcel to the north, and residential properties along the east and south. *This site is not listed, or proposed for listing on the National Priorities List.*

b. Ownership and operation. The property has operated as a laundry since its development in the early 1900s. The most recent tenant, Empire Laundry, ceased operations in 1994. The City of Lynn currently owns the site. The Lynn Housing Authority has plans to take title of the parcel and construct single-family homes.

Buildings on the property have been expanded and modified throughout the operating period up until the current configuration, *see attached figures and photos.*

c. Environmental observations. The only previously identified environmental condition at the Site consisted of a minor Number 6 fuel oil release related to a leaking underground storage tank. The tank and the majority of the contaminated soil were removed from the Site. The files on this property were closed in 1996 by the Massachusetts Department of Environmental Protection (MADEP). Several other potential sources of environmental contamination have been previously identified at the property. These potential sources of contamination include:

- Fuel oil associated with a former boiler room in the northern portion of the Site;
- A former gasoline tank near the center of the eastern property boundary;
- Potential dry cleaning operations which may have used tetrachloroethene (PCE) along the eastern property boundary; and,
- Two dry wells, DW-1 and DW-2 (See Figure X), from which a photo-ionization detector indicated the presence of volatile organic compounds (VOCs)

Fill, including a heterogeneous mixture of silt, gravel, sand, bricks, concrete, ash, slag and wood, is found beneath the site ranging in thickness from approximately 5 to 12 feet. Organic deposits (consisting of dark brown organic silty fine sand and trace plant fibers) underlie the fill and range in thickness from approximately 1 to 2 feet. Marine deposits, consisting of silty clay and silty fine sand were encountered beneath the organic deposits.

Stony Brook crosses the site from the north to the south. This brook is completely enclosed in what is described to be a two-foot concrete box culvert. Groundwater flow is likely influenced, if not controlled, by Stony Brook. Groundwater on the east side of the Site flows westward toward Stony Brook and groundwater on the west side of the Site flows eastward-southeastward, also toward Stony Brook.

### **III. BCRLF/NON-TIME CRITICAL REMOVAL ACTION AUTHORIZATION**

To determine if the response action is authorized by CERCLA and the NCP, the five following findings were made:

a. **RELEASE.** There is a release, or substantial threat of release, of any hazardous substance into the environment, or there is a release, or substantial threat of release, of a pollutant or contaminant into the environment which may present an imminent and substantial danger to the public health or welfare.

1. **Investigation.** During June and July of 1999, a site investigation was completed by The Johnson Company, Inc., (JCO). JCO is an environmental consulting firm hired by the City under the City's Brownfields Pilot Program.

JCO completed the site assessment to evaluate potential impacts at the Site how they may affect the potential redevelopment of the Site.

The site assessment consisted of collecting 36 soil samples from ten soil borings and groundwater samples from seven temporary wells installed across the entire property.

Contaminant concentrations exceeding the Massachusetts Contingency Plan (MCP) Reportable Concentrations (RC) were detected only in a relatively small portion of the property associated with two dry wells near the southern end of the site.

For MADEP reporting purposes, soils located at the Site are classified as S-1 and groundwater as GW-2, in accordance with the MCP.

Tetrachloroethene (PCE) and trichloroethene (TCE) concentrations detected in soils collected from sample locations EM-9 and EM-10, located adjacent to two dry wells near the south end of the property, exceeded the RC for S-1 soils. Vinyl chloride was detected at a concentration exceeding the RC in a groundwater sample collected at sample location EM-9. The following table provides a summary of the laboratory results above RC during this investigation.

## **[Insert Table-Lab Results]**

2. **Primary Risk Screening.** The site investigation data indicate that certain VOCs (TCE, PCE and vinyl chloride) exist at the site in concentrations that exceed MCP criteria. These risk-based criteria, developed by MADEP, are useful screening values to assess site risk. The data indicate that if no remediation were undertaken at the Site, a human health risk would exist, as site occupants would potentially be exposed to VOC concentrations exceeding MCP criteria. To more completely assess the potential risks posed by the site, analytical results from the site assessment activities were incorporated into a site-specific risk assessment which evaluated potential risks to future residents assumed to be exposed to soil beneath the existing pavement and groundwater at the location of maximum concentrations. This assessment was completed by JCO in October of 1999. The Method 3 risk characterization which is termed the human health risk characterization, was conducted in accordance with 310 CMR 40.09000 of the MCP and MADEP's. The results of the risk characterization indicate that the site poses No Significant Risk of harm to public health, safety, welfare or environment in its current state. However, in the event that the property was rehabilitated and buildings constructed without performing remediation, a condition of No Significant Risk could not be demonstrated for such use.

The breach of MCP criteria for No Significant Risk results solely from estimated exposures to

volatile compounds, migrating from soil or groundwater, into an occupied building. The findings also indicated that if the property is to be used for residential purposes, remedial efforts should be focused on interrupting the source or migration pathways for VOCs thereby reducing the risk to acceptable levels.

**b. AUTHORIZED SUBSTANCE. The release does not involve: (1) a naturally occurring substance from allocation where it is naturally found; (2) a product this is part of the structure, and results in exposure within, a residential building or business or community structure (e.g. interior lead-based paint or asbestos which results in indoor exposure); or (3) public or private drinking water supply that has deteriorated through ordinary use.**

**c. THREAT TO PUBLIC HEALTH. A removal is appropriate because there is a threat to public health or welfare or the environment.**

Considering the current and future uses for the site, Section 300.415(b)(2) of the NCP lists eight factors to consider in determining whether a removal action is appropriate:

- 1. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;*
- 2. Actual or potential contamination of drinking water supplies or sensitive ecosystems;*
- 3. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;*
- 4. High levels of hazardous substances or pollutants or contaminants in soils, largely at or near the surface, that may migrate;*
- 5. Weather conditions that may cause hazardous substances or pollutants or contaminant to migrate or be released;*
- 6. Threat of fire or explosion;*
- 7. The availability of other appropriate Federal or state response mechanism to respond to the release; and*
- 8. Other situations or factors that may pose threats to public health or welfare of the U.S. or the environment.*

An evaluation of the conditions at the Empire Laundry Site concluded that the above factors 1, 4 and 5 are applicable as described below:

Factor 1. In its current state, the site is in a condition of No Significant Risk. Future plans call for the property to be redeveloped for residential purposes.

If no remediation were undertaken at the Site, occupants would potentially be exposed to

VOC concentrations exceeding MCP criteria. There is, therefore, a future potential for human exposure through inhalation of VOCs.

Factor 4. Near surface soils are found to contain high concentrations of VOCs, especially in the vicinity of two dry wells on site. Material from within these dry wells also contained high concentrations of PCE, up to approximately X (: g/kg).

Migration is a possibility for these contaminants, under redeveloped conditions.

Factor 5. As noted above, near surface soils are found to contain high concentrations of VOCs, especially in the vicinity of two dry wells on site. Infiltration of rainwater could cause these contaminants to migrate further into the subsurface and into the underlying groundwater, under redeveloped conditions.

**d. SUFFICIENT TIME. Sufficient time is available to plan and select a BCRLF response and to implement the community relations and public involvement activities before any on-site cleanup activities may take place.**

The removal action shall take no longer than 12 months to complete. This removal action is designated as non-time critical because more than six months planning time is available before on-site activities must be initiated. As a result, the Lead Agency will require the completion of an engineering evaluation/cost analysis (EE/CA) pursuant to 40 CFR Section 300.415(b)(4)(i).

**e. CLEANUP. Cleanup of the site will contribute to brownfields revitalization.**

The redevelopment plan consists of constructing 4 to 5 single-family homes on the property site after final cleanup, which will significantly contribute to local community revitalization.

#### **IV. PROPOSED PROJECT**

Consequently, based upon the NCP factors listed and described above, a potential threat exists to public health, welfare or the environment at the Empire Laundry Site. Accordingly, a removal action is appropriate to abate, prevent, minimize, mitigate, or eliminate such threat(s). In particular, a removal action is necessary to prevent future human exposures by residents of the property once redevelopment plans have been completed.

#### **V. OVERSIGHT AND ESTIMATED COSTS**

a. EE/CA Cost. The purpose of the EE/CA is to evaluate alternatives for source control measures at the Site. An evaluation of alternatives for remediating the contaminated soil on the site will determine how the City and the developer will provide a timely response to effectively minimize potential threats to human health and the environment, which may result from the presence of hazardous substances at the Site. The EE/CA will consider alternative to prevent, to the extent practicable, possible direct contact with an ingestion of contaminated soils and inhalation of hazardous vapors emanating from contaminated groundwater and soils.

Pursuant to EPA guidance on performing EE/CAs, alternatives will be evaluated based upon

relative effectiveness, implementability, cost and compliance with Applicable, Relevant and Appropriate Requirement (ARARs) to the extent practicable. *The administrative record file will be established no later than the signing of this approval memo by the lead agency. The administrative record file will be made available for public inspection and copying when the EE/CA is made available for public comment at a central location at or near the site.*

*The EE/CA for the proposed NTCRA at the Site will be developed by the borrower, X and reviewed by the Site Manager, Y. The following table is an estimated schedule for preparation of the EE/CA. The cost amount associated with developing the EE/CA is estimated to be \$\_\_\_\_\_.* The funds expended to prepare this approval memo are CERCLA 104 (b)(1) monies and are not counted toward the \$2 million statutory limit for removal actions.

## **[Insert EE/CA Schedule]**

b. Removal Costs. The cost associated with the removal response action is estimated to be \$\_\_\_\_\_. This estimated cost is within the \$2 million statutory limit for removal actions.

### **VI. ENFORCEMENT COMPLIANCE**

The site is currently owned by the City of Lynn. The Lynn Housing Authority has plans to take title of the parcel and construct single-family homes. The Lynn Housing Authority is not currently a potentially responsible party under CERCLA for this Site. The Economic Development and Industrial Corporation of Lynn (EDIC/Lynn) will oversee the preparation of the EE/CA. The NTCRA according to CERCLA and the NCP will be implemented by the Lynn Housing Authority with oversight by EDIC/Lynn and MADEP. The City does not plan to pursue other responsible parties for the costs associated with assessment and cleanup of the site at this time.

*The Borrower is eligible for BCRLF funding because of the following criteria: (1) the Borrower is not a Potentially Responsible Party (PRP) pursuant to CERCLA and certifies that he has not contributed to the contamination currently on-site; (2) The Borrower will disclose its environmental compliance history; (3) The Borrower must certify that they are not currently, nor have they been, subject to any penalties resulting from environmental non-compliance at the site subject to the loan; (4) The Borrower acquired the property after the time of disposal or placement of hazardous substances and the lead agency determines that the borrower has not caused, contributed to, permitted, or exacerbated the release of a hazardous substance on, or emanating from the property; and (5) The Borrower has not been suspended, debarred, or otherwise declared ineligible.*

### **VII. RECOMMENDATIONS (APPROVAL/DISAPPROVAL)**

In light of the facts discussed above, the project team recommends approval of this memorandum which serves to (a) secure management approval and funding to conduct the EE/CA; (b) document that the Empire Laundry Site meets the NCP criteria and the required action is non-time critical; and (c) to document site conditions by detailing that a release or threat of a release has occurred at the site.

Sincerely,

Lead Agency Official Title

Approved: \_\_\_\_\_  
Signature                      Date  
(Approving Official)

\_\_\_\_\_  
Signature                      Date  
(Site Manager)