

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION I

IN THE MATTER OF:

Scofieldtown Road Park Superfund Site
Stamford, Fairfield County, Connecticut

City of Stamford, Connecticut,

Respondent

UNILATERAL ADMINISTRATIVE
ORDER FOR REMOVAL ACTION

U.S. EPA Region I
CERCLA No. 01-2008-0067

Proceeding Under Sections 106(a) of the
Comprehensive Environmental Response,
Compensation, and Liability Act, as
amended, 42 U.S.C. § 9606(a).

TABLE OF CONTENTS

I.	JURISDICTION AND GENERAL PROVISIONS	1
II.	PARTIES BOUND	1
III.	DEFINITIONS	1
IV.	FINDINGS OF FACT	3
V.	CONCLUSIONS OF LAW AND DETERMINATIONS	5
VI.	ORDER	6
VII.	NOTICE OF INTENT TO COMPLY	6
VIII.	DESIGNATION OF CONTRACTOR, PROJECT COORDINATOR, AND ON-SCENE COORDINATOR	6
IX.	WORK TO BE PERFORMED	8
X.	EPA APPROVAL OF PLANS AND OTHER SUBMISSIONS	11
XI.	SITE ACCESS	12
XII.	ACCESS TO INFORMATION	13
XIII.	RECORD RETENTION	14
XIV.	COMPLIANCE WITH OTHER LAWS	14
XV.	EMERGENCY RESPONSE AND NOTIFICATION OF RELEASES ..	15
XVI.	AUTHORITY OF ON-SCENE COORDINATOR	15
XVIII.	ENFORCEMENT	15
XVIII.	RESERVATIONS OF RIGHTS BY EPA	16
XIX.	OTHER CLAIMS	16
XX.	INSURANCE	16
XXI.	MODIFICATIONS	17
XXII.	ADDITIONAL REMOVAL ACTIONS.....	17
XXIII.	NOTICE OF COMPLETION OF WORK	17
XXIV.	ADMINISTRATIVE RECORD	18
XXV.	OPPORTUNITY TO CONFER	18
XXVI.	SEVERABILITY.....	18
XXVII.	EFFECTIVE DATE	19

I. JURISDICTION AND GENERAL PROVISIONS

1. This Unilateral Administrative Order for Removal Action ("Order") is issued under the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9606(a). This authority was delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order No. 12580, 52 Fed. Reg. 2923 (Jan. 23, 1987), and further delegated to the Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B. This authority was further re-delegated by the Regional Administrator of EPA Region I to the Director, Office of Site Remediation and Restoration, Region I, by Region I Order Number 1200, Chapter 14-14B, dated June 30, 1995.

2. This Order pertains to property located at the intersection of Rock Rimmon Road and Scofieldtown Road in Stamford, Fairfield County, Connecticut, known as the "Scofieldtown Road Park Superfund Site" ("Site"). This Order requires the City of Stamford, Connecticut ("Respondent") to conduct the removal action described herein to abate an imminent and substantial endangerment to the public health or welfare or the environment that may be presented by the actual or threatened release of hazardous substances at or from the Site.

3. EPA has notified the State of Connecticut (the "State") of this action pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

II. PARTIES BOUND

4. This Order applies to and is binding upon the Respondent and its successors and assigns. Any change in ownership or control of the Site or change in the corporate status of the Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter the Respondent's responsibilities under this Order.

5. The Respondent is jointly and severally liable for implementing all activities required by this Order.

6. The Respondent shall ensure that its contractors, subcontractors, and representatives receive a copy of this Order and comply with this Order. The Respondent shall be responsible for any noncompliance with this Order.

III. DEFINITIONS

7. Unless otherwise expressly provided herein, terms used in this Order which are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in CERCLA or in such regulations. Whenever terms listed below are used in this Order or in the attached appendices and incorporated hereunder, the following definitions shall apply:

- a. "Action Memorandum" shall mean the EPA Action Memorandum relating to the Scofieldtown Road Park Superfund Site signed on May 19, 2008 by the Director, Office of Site Remediation and Restoration, EPA Region I, or his delegate, and all attachments thereto. The Action Memorandum is attached as Appendix A.
- b. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601, *et seq.*
- c. "Day" shall mean a calendar day. In computing any period of time under this Order, where the last day would fall on a Saturday, Sunday, or Federal holiday, the period shall run until the close of business of the next working day.
- d. "Effective Date" shall be the effective date of this Order as provided in Section XXVII.
- e. "EPA" shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.
- f. "CT DEP" shall mean the Connecticut Department of Environmental Protection and any successor departments or agencies of the State.
- g. "National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, codified at 40 C.F.R. Part 300, and any amendments thereto.
- h. "Order" shall mean this Unilateral Administrative Order for Removal Action, the Statement of Work ("SOW"), all appendices attached hereto, and all documents incorporated by reference into this document, including without limitation EPA approved submissions. EPA approved submissions (other than progress reports) are incorporated into and made a part of the Order upon approval by EPA. In the event of conflict between this Order and any appendix or other incorporated documents, this Order shall control.
- i. "Paragraph" shall mean a portion of this Order identified by an Arabic numeral.
- j. "Parties" shall mean EPA and the Respondent.
- k. "RCRA" shall mean the Solid Waste Disposal Act, as amended, 42 U.S.C. §§ 6901, *et seq.* (also known as the Resource Conservation and Recovery Act).
- l. "Respondent" shall mean the City of Stamford, Connecticut.

- m. "Section" shall mean a portion of this Order identified by a Roman numeral.
- n. "Site" shall mean the Scofieldtown Road Park Superfund Site, comprising approximately 18 acres of land, located at 162 Scofieldtown Road, Stamford, Fairfield County, Connecticut.
- o. "State" shall mean the State of Connecticut.
- p. "Statement of Work" or "SOW" shall mean the statement of work for implementation of the removal action, as set forth in Appendix B to this Order, and any modifications made thereto in accordance with this Order.
- q. "Waste Material" shall mean: (i) any "hazardous substance" under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14); (ii) any pollutant or contaminant under Section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (iii) any "solid waste" under Section 1004(27) of RCRA, 42 U.S.C. § 6903(27); and (iv) any "hazardous material" under the State of Connecticut Hazardous Waste Regulations.
- r. "Work" shall mean all activities the Respondent is required to perform under this Order.

IV. FINDINGS OF FACT

8. The Site is located at the intersection of Rock Rimmon Road and Scofieldtown Road in Stamford, Fairfield County, Connecticut. The Site comprises 18 acres and is the location of the former Scofieldtown Road Dump, a landfill estimated to have covered approximately 10 to 18 acres, with a depth of waste ranging from 10 to 30 feet. The Site is owned by the City of Stamford.

9. The landfill was originally opened in the mid-1930s as a town dump for household waste. In 1949, the dump began to accept additional types of waste generated by the City of Stamford (the "City"). The Scofieldtown Road Dump was officially closed in the early 1970s, and the landfill was graded and capped with clean fill. The landfill is unlined and does not have an impermeable cap.

10. The City of Stamford Department of Public Works ("DPW"), currently operates on the northern portion of the property. The DPW stages vehicles, road salt, and equipment and operates a recycling center and leaf composting facility in this area. The City of Stamford Parks and Recreation Department currently operates a recreation area on the southern portion of the property, known as the Scofieldtown Complex (also known as Scofieldtown Road Park). The recreational area consists of a tennis court, playground, small pond, and an open grassy area.

11. On July 14, 1988, responding to a complaint of chemical dumping on the property, CT DEP conducted an on-site inspection of the Site. During the inspection of the Site, CT DEP representatives observed hundreds of tires and several rusted drums, some of which were empty and some of which contained resins, paint-like materials, and other waste materials. On August 2, 1988, CT DEP issued a letter to the Mayor of Stamford requesting the removal of the drums located on the Site.

12. On February 22, 1989, during a Site inspection by representatives from CT DEP, the Stamford Environmental Protection Board, and the City, refuse was observed in excavated areas adjacent to a new tennis court built on the southern portion of the Site. CT DEP was concerned that drainage from the tennis court was being directed onto the landfill. A follow up letter dated March 13, 1989 from CT DEP to the City stated that the City must either re-grade the drainage away from the landfill or enhance the runoff to minimize infiltration. CT DEP also found that exposed drums were still present along the perimeter of the property.

13. On January 13, 1990, the Stamford Department of Health ("DOH") conducted an inspection of the property to observe the leaf composting activities conducted on the site. The leaf composting appeared to be taking place on the exterior edge of an upper mound of the landfill, and the DOH had concerns regarding potentially adverse effects that the composting activities might have on the landfill cap. From February to June 1990, DOH repeatedly expressed concern to CT DEP regarding erosion of the landfill cap and areas of exposed landfill waste. CT DEP recommended that the City install a barricade to prevent traffic from causing future erosion problems.

14. On February 2, 1996, EPA's contractor, the Superfund Technical Assessment and Response Team ("START"), completed a preliminary assessment/site investigation ("PA/SI") of the Site at EPA's direction. During the on-Site reconnaissance, START observed two drums containing solid materials and approximately 10 drums that were empty or crushed. Four soil samples and one drum sample were taken from the eastern portion of the Site and analyzed for hazardous substances. A removal action was not deemed warranted at that time because the concentrations of contaminants did not exceed state standards.

15. The Site was referred for a removal evaluation by EPA's Brownfields Program in 2007, and a PA/SI was initiated on behalf of EPA on June 13, 2007. The PA/SI could not be completed until the fall due to thick vegetation growth. On November 20, 2007, samples were taken from two drums containing a solid substance. Analysis of the samples revealed the presence of hazardous substances, including but not limited to, acetone and polychlorinated byphenyls (PCBs).

16. EPA documented its findings in the PA/SI Closure Memorandum dated March 11, 2008, concluding that Site conditions meet the criteria in the National Contingency Plan for a removal action.

17. On April 1, 2008, EPA issued a Notice of Potential Liability and Invitation to Perform or Finance Proposed Cleanup Activities to the City of Stamford as the owner and operator of the Site.

18. On May 19, 2008, EPA signed an Action Memorandum that sets forth the basis for its finding that a release or threat of release of hazardous substances from the Site may present an imminent and substantial endangerment to human health and the environment. The Action Memorandum is attached hereto as Appendix A and is incorporated herein by reference.

V. CONCLUSIONS OF LAW AND DETERMINATIONS

19. Based on the Findings of Fact set forth above and the Administrative Record supporting the removal action, EPA has determined that:

- a. The Scofieldtown Road Park Superfund Site is a “facility” as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
- b. The contamination found at the Site, as identified in the Findings of Fact above, includes “hazardous substances” as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
- c. The Respondent is a “person” as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
- d. The Respondent is a liable party under one or more provisions of Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).
 - i. Respondent City of Stamford, Connecticut is the “owner” and “operator” of the facility, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20), and within the meaning of Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).
 - ii. Respondent City of Stamford, Connecticut was the “owner” and “operator” of the facility at the time of disposal of hazardous substances at the facility, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20), and within the meaning of Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2).
- e. The conditions described in the Findings of Fact above constitute an actual and/or threatened “release” of a hazardous substance from the facility as defined by Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
- f. The conditions at the Site constitute a threat to public health or welfare or the

environment, based on the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended, 40 CFR Part 300 ("NCP").

g. The conditions present at the Site constitute an imminent and substantial endangerment to public health or welfare or the environment within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

h. The removal action required by this Order is necessary to protect the public health, welfare, or the environment and, if carried out in compliance with the terms of this Order, will be consistent with the NCP, as provided in Section 300.700(c)(3)(ii) of the NCP.

VI. ORDER

20. Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for this Site, it is hereby Ordered that the Respondent comply with all provisions of this Order and any modifications hereto, including, but not limited to, all appendices to this Order and all documents incorporated by reference into this Order. In the event of conflict between this Order and any appendix or documents subsequently approved pursuant to the terms of this Order and incorporated herein, this Order shall control.

VII. NOTICE OF INTENT TO COMPLY

21. The Respondent shall notify EPA in writing within five (5) days after the Effective Date of this Order of the Respondent's irrevocable intent to comply with this Order. Failure of the Respondent to provide such notification within this time period shall be a violation of this Order by the Respondent. Such written notice shall be sent to:

Richard Haworth, On-Scene Coordinator
U.S. EPA, Region I
One Congress Street, Suite 1100, Mail Code HBR
Boston, MA 02114-2023
Tel. (617) 918-1229
Haworth.Richard@epa.gov

And to

Amelia Welt Katzen, Senior Enforcement Counsel
U.S. EPA, Region I
One Congress Street, Suite 1100, Mail Code SEL
Boston, MA 02114-2023
Tel. (617) 918-1869
Katzen.Amelia@epa.gov

**VIII. DESIGNATION OF CONTRACTOR, PROJECT COORDINATOR,
AND ON-SCENE COORDINATOR**

22. The Respondent shall perform the Work or shall retain one or more contractors to perform the Work and shall notify EPA of the name and qualifications of the Respondent's representative or Respondent's contractor within seven (7) days of the Effective Date. If, after the commencement of Work, the Respondent retains additional contractor(s) or subcontractor(s), the Respondent shall notify EPA of the name and qualifications of such contractor(s) or subcontractor(s) retained to perform the Work at least seven (7) days prior to commencement of such Work. EPA retains the right, at any time, to disapprove of any or all of the contractors and/or subcontractors retained by the Respondent or of the Respondent's decision to perform the Work itself. If EPA disapproves of a selected contractor or subcontractor or of the Respondent's decision to perform the Work, the Respondent shall retain a different contractor or subcontractor and shall notify EPA of that contractor's or subcontractor's name and qualifications within seven (7) days of EPA's disapproval.

23. Within seven (7) days after the Effective Date, the Respondent shall designate a Project Coordinator who shall be responsible for administration of the Work required by this Order and shall submit in writing to EPA the designated Project Coordinator's name, address, telephone number, electronic mail address, and qualifications. To the greatest extent possible, the Project Coordinator shall be present on Site or readily available during the Work. EPA retains the right to disapprove of the designated Project Coordinator. If EPA disapproves of the designated Project Coordinator, the Respondent shall retain a different Project Coordinator and shall notify EPA of that person's name, address, telephone number, and qualifications within seven (7) days following EPA's disapproval. Communications between the Respondent and EPA, and all documents concerning the activities performed pursuant to this Order, shall be directed to the Project Coordinator. Receipt by the Respondent's Project Coordinator of any notice or communication from EPA relating to this Order shall constitute receipt by the Respondent.

24. EPA has designated Richard Haworth of the Emergency Planning and Response Branch Region I, as its On-Scene Coordinator ("OSC"). Except as otherwise provided in this Order, the Respondent shall direct all submissions required by this Order to the OSC via overnight delivery at:

Richard Haworth, OSC
U.S. EPA, Region I
One Congress Street, Suite 1100
Mail Code HBR
Boston, MA 02114-2023
Tel. (617) 918-1229

25. EPA and the Respondent shall each have the right, subject to Paragraph 23, to change

