



REGION 2

EDISON, NJ 08837

September 25, 2024

ACTION MEMORANDUM – RV3

SUBJECT: Request for a Time-Critical Removal Action (RV3), 12-Month Exemption and \$2 Million Exemption for East Trenton Residential Properties, Historic Potteries Site, City of Trenton, Mercer County, New Jersey

FROM: Jonathan Byk, On-Scene Coordinator
Removal Action Branch

THRU: Joseph D. Rotola, Supervisor
Removal Action Branch

TO: Pat Evangelista, Director
Superfund and Emergency Management Division

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed time-critical removal action and exemption from the 12-month and \$2 million statutory limitations described herein for the Historic Potteries Site (Site), located in City of Trenton, Mercer County, New Jersey. This is the third removal action (RV3) to be taken by the United States Environmental Protection Agency (EPA) at the Site. The objective of this removal action is to minimize the threat posed by lead contaminated soil present at occupied residential properties at the Site. This authorization is for a \$2,640,000 total project ceiling increase, of which \$2,000,000 is for mitigation contracting. The previously approved total project ceiling for the Site was \$2,500,000 of which \$2,200,000 was for mitigation contracting. With this authorization, the new total project ceiling authorized for the Site will be \$5,140,000, of which \$4,200,000 is for mitigation contracting.

Conditions at the Site meet the criteria for a removal action under the Comprehensive Environmental Resource, Compensation, and Liability Act (CERCLA) and Section 300.415(b) of the National Contingency Plan (NCP), 40 C.F.R. §300.415(b).

The Site was proposed to the National Priorities List (NPL) on September 5, 2024. There are no nationally significant or precedent setting issues associated with this removal action.

II. SITE CONDITIONS AND BACKGROUND

The Superfund Enterprise Management System identification number for this Site is NJN000203535.

A. Site Description

1. Removal Site Evaluation

The Site was discovered during a Removal Site Evaluation (RSE) of the L.H. Mitchell Site, a former small solder manufacturer, where elevated levels of lead were found in soil on residential properties in the surrounding neighborhood. The L.H. Mitchell Company operated for several decades in the late 20th century at 216 Klagg Avenue in the East Trenton neighborhood of Trenton, New Jersey. Between October 2018 and April 2019, EPA conducted assessment sampling at the L.H. Mitchell Site to determine if the former facility's operations had released lead into surrounding residential areas. Soil samples were collected from approximately 40 properties within a six-block radius of the former L.H. Mitchell facility.

EPA collected a total of 408 composite soil samples, including field duplicates, from 69 sampling locations on 33 properties throughout the sampling area. The analytical results indicated lead levels exceeded 400 milligram/kilogram (mg/kg),¹ the applicable EPA Removal Management Level (RML) at the time, in 291 of 408 samples. Lead levels exceeded 1,200 mg/kg at 26 of the 33 properties sampled. Overall lead levels above the EPA RML were found at all properties sampled, except for one property located upwind that was sampled to establish background levels. Despite the discovery of elevated concentrations of lead in the East Trenton neighborhood, the RSE documented several reasons why the contamination was not attributable to the L.H. Mitchell facility (Attachment 1).

EPA determined that lead detected at residential properties in the vicinity of the L.H. Mitchell Site must be from other historic anthropogenic sources including, but not limited to, historic fill, leaded gasoline, lead-based paint, coal combustion, and potentially the pottery industry that was prevalent in Trenton during the late 19th and early 20th century. Research into the historic potteries industry revealed that Trenton was a major industrial ceramic manufacturing center in the United States beginning in the 1850s. The industry in Trenton grew considerably throughout the remainder of the century and was at its peak between 1880 and 1920. According to historic resources, including the Potteries of Trenton Society online database and Sanborn Fire Insurance Maps (Sanborns), at least 78 pottery manufacturing locations existed throughout the City of Trenton (Figure 1). At least 30 locations that manufactured ceramics operated within the East Trenton neighborhood, of which at least five were large-scale operations with more than five kilns. Additional research indicated that lead was a common component of glazes used by historic potteries in the 19th century, such as those in Trenton. Furthermore, EPA reviewed several scientific journal articles that documented the potential for airborne lead emissions resulting from the firing of lead-glazed items in kilns, including significant releases of lead particles from uncontrolled kiln operations, including particles as small as 10 nanometers. Other studies have shown elevated blood lead levels in those living nearby ceramics facilities and lead contaminated soil near ceramic facilities with levels decreasing as distance from the facility increases. A study conducted in a

¹ On January 17, 2024, EPA released new guidance updating the RML for lead in residential soils: "Updated Residential Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities," which establishes an RML of 200 mg/kg, lowering it from the previous EPA residential RML of 400 mg/kg.

historically heavily industrialized city in the United Kingdom found elevated lead contamination in soil samples which researchers attributed the high lead levels primarily to the region's pottery industry.

This information prompted EPA to consult with the New Jersey Department of Environmental Protection (NJDEP). The focus of discussion was the possibility that the historically pervasive pottery operations in the area could be a unique source of lead deposition and loading to the soils of Trenton. On January 9, 2020, EPA received a referral (Attachment 2) from the NJDEP to conduct an Integrated Assessment (IA) specifically related to the historical presence of pottery facilities and the lead contaminated soil identified in East Trenton. NJDEP also requested an assessment of six other areas of Trenton where significant historical pottery operations took place to determine if the East Trenton neighborhood alone or in combination with the six other areas qualifies for placement on the NPL and/or warrants a CERCLA removal action.

In response to the referral, EPA initiated an extensive attribution study as part of the IA. The study aimed to determine whether lead in soils discovered in the East Trenton area could be attributed to a release from the historic potteries. The attribution study included several specialized laboratory data analyses with assistance from the EPA Office of Research and Development (ORD) as well as the EPA Environmental Response Team. The attribution study sampling was conducted between October 2020 and July 2022. The soil sampling included both occupied and vacant residential properties in East Trenton that were previously assessed during the L.H. Mitchel Site investigation. Soil samples were also collected from other areas of Trenton where significant potteries historically operated, denoted HP001 through HP007 (Figure 1). The current study area for the IA consists of two main former pottery areas; HP001, which includes part of East Trenton and Top Road, and HP002, which encompasses the remaining portion of East Trenton.

As part of the attribution study 1,239 discrete soil samples and 84 composite samples were collected from residential properties, commercial properties, vacant lots, and parks. Analytical lead results for the discrete soil samples ranged from 3.52 to 50,900 mg/kg. Of the 298 samples from residential properties, 104 exceeded the 400 mg/kg lead threshold. For the composite soil samples lead levels ranged from 23.1 to 2,390 mg/kg. Notably, 34 of 84 composite soil samples exceeded 400 mg/kg for lead.

As described in a Technical Memo prepared by ORD and the Historic Potteries RSE (Attachment 1) multiple lines of evidence indicate the historic pottery industry significantly contributed to the elevated lead levels found in residential soil in East Trenton. The attribution study data indicate that the elevated lead levels primarily result from two sources: airborne releases during firing of ceramics in upwind kilns and leaching of lead from pottery sherds located in the soils. Although other sources have likely also contributed over time, including lead paint, leaded gasoline, coal combustion, and other localized industry (smelters, foundries, rubber facilities), the potteries appear to be the most significant contributor to the elevated lead levels.

As part of the IA, soil sampling and analysis of residential properties, parks, and schools within the Top Road and East Trenton neighborhoods was conducted throughout fall and early winter of 2023/2024. As the Site is considered for the NPL, further investigations of occupied residential properties will continue in areas of Trenton where significant historical pottery operations took place. Through July 2024, as part of EPA's assessment in the East Trenton neighborhood, 1,117 composite samples were collected from 143 occupied residential properties, two public schools (Darlene McKnight Elementary

School and Grant School), and three public parks (Breunig Avenue Park, Sonny Vereen Playground, and Grant Avenue Playground).

Analytical lead results for the composite soil samples from the 1,117 samples collected ranged from 10 to 7,760 mg/kg, with an average concentration of 566 mg/kg. Of these samples, 859 exceeded the recently updated EPA RML of 200 mg/kg (see FN1). Every property sampled except for one (HP001-P121, Darlene McKnight Elementary School) had at least one sample with a lead concentration above the 200 mg/kg RML. Furthermore, 187 samples from 80 properties sampled contained lead levels exceeding 1,000 mg/kg.

Five-point composite soil samples were collected at two public school properties in East Trenton: the Darlene McKnight Elementary School located at 175 Girard Avenue, Trenton, NJ and the Grant School located 159 North Clinton Avenue, Trenton, NJ. A total of eleven composite soil samples were collected from three quadrants Darlene McKnight Elementary School, including the soil from two raised garden beds. Analytical results indicated that all samples were below the EPA RML of 200 mg/kg for lead. EPA analysis of 82 composite soil samples from 16 quadrants at the Grant School revealed lead concentrations exceeding the RML for lead throughout the property, with surface soil lead levels reaching 653 mg/kg. The highest concentrations were typically found in the top six inches of soil, decreasing with depth, suggesting airborne deposition from the former local pottery industry. A removal action (RV1) was completed in September 2024 to address lead contamination at the Grant School.

In January 2024, three heavily used community parks in East Trenton were assessed as part of the IA sampling effort: Sonny Vereen Playground, Breunig Avenue Park, and Grant Avenue Playground. All three parks showed elevated lead concentrations above the 200 mg/kg RML with varying levels of contamination. Sonny Vereen Playground had the highest lead levels, with concentrations generally increasing with depth and reaching a maximum of 3,080 mg/kg in the 18-24" interval. Breunig Avenue Park showed elevated levels of lead throughout the 0-24" soil interval, up to 757 mg/kg, with the highest concentrations in the 2-6" and 6-12" intervals. While Grant Avenue Playground had elevated levels up to 553 mg/kg, no surface concentrations exceeded 200 mg/kg. The average surface soil lead concentrations (in the 0-6" interval) were 369 mg/kg, 437 mg/kg, and 161 mg/kg for Sonny Vereen Playground, Breunig Avenue Park, and Grant Avenue Playground, respectively. A removal action (RV2) is currently in progress to address lead contamination at the three parks.

To date, EPA has collected five-point composite soil samples from 143 occupied residential properties in the East Trenton neighborhood, including the front, back, and side yards where available (Figure 2). All 143 yards were found to contain lead levels exceeding 200 ppm in soil, with concentrations ranging from 238 ppm to 7,760 ppm. Notably, 80 properties contain lead levels above 1,000 ppm. The highest concentrations were typically found in the top six inches of soil.

During the residential property soil assessment EPA also collected demographic information about the occupants of the residences. This includes the number of residents, their ages (with particular attention to children under six and pregnant women), and the duration of occupancy. Data were collected on how residents use their yards, such as the frequency of outdoor activities, the presence of vegetable gardens, and areas where children frequently play. This information was used to identify the

properties that present a potential high risk of exposure to lead concentrations above the EPA RML to prioritize mitigation efforts, especially to vulnerable populations.

Of these 143 occupied properties assessed in East Trenton, 62 properties meet the high-risk residential criteria, which include lead concentrations above the RML, the presence of high-use, frequent-contact areas (such as children's play areas or gardens), as well as households with young children or pregnant women (Figure 3).

Residents were notified of the sampling results from their property as the data were made available.

This action memo (RV3) specifically addresses the threat of lead exposure at occupied residential properties. The threat is primarily from human exposure by direct contact, ingestion, and inhalation of lead-contaminated soil. Gardening, landscaping, and soil agitation during maintenance activities may also increase the risk of exposure of residents to lead. The threat is increased when bare soil is present, which is a condition observed widely across many of the residential properties. Foot traffic through the lead-contaminated soils may result in lead being tracked into indoor areas.

Figure 2 includes figures showing the sampling locations. Attachment 3 contains the laboratory result tables.

2. Physical location

The current Site boundaries encompass part of the East Trenton neighborhood where potteries historically operated within Trenton city limits in Mercer County, New Jersey (Figure 4). The Site as currently defined encompasses approximately 0.38 square miles of occupied residential properties and communal spaces such as schools and parks in East Trenton, north and south of North Clinton Avenue, north of the Assunpink Creek, east of Lincoln Avenue, and west of Plum Street. This removal action focuses specifically on occupied residential properties with a high risk of exposure to vulnerable populations located within this area.

As the Site is considered for placement on the NPL its boundaries may expand as further investigations are conducted in other areas of Trenton where significant historical pottery operations took place.

3. Site characteristics

There are over 900 occupied housing units with a population greater than 1,800 people within the current Site boundaries in the East Trenton neighborhood. Most of the residences are single- or multi-family rowhomes with backyards, and renters are a large portion of the community. Many of the homes were constructed in the late 1800s and early 1900s. Most of the residential properties include bare soil and/or vegetated areas. In addition, there are many abandoned houses and vacant lots. A large portion of the population is Spanish-speaking, and the area has been identified as a community with environmental justice concerns. Within the current Site boundaries, using EPA's Environmental Justice Screening and Mapping Tool (EJ Screen), 10 of 13 environmental justice indexes and 8 of 13 supplemental environmental justice indexes exceed a 90th percentile.

The Assunpink Creek (Assunpink) is located 80 feet to the southeast of the Site. Hamilton Township

begins on the other side of the creek. Available wind rose charts indicate that prevailing winds were from the north-northwest, northwest, west-northwest, west-southwest, and southwest while potteries were historically operating.

The United States Department of Agriculture Natural Resources Conservation Service has classified the soil in the area as udorthents which indicates that the soils have been altered by excavating or filling. Due to its proximity to water, a likely scenario is that the area was filled and leveled out prior to development in the mid-1800s. Topographic maps are only available from year 1888 onward, so this could not be confirmed. The Assunpink Creek holds historical significance in American history due to its role in the Revolutionary War. The Second Battle of Trenton was fought along the Assunpink Creek on January 2, 1777, between American and British forces.

The area's development began in the mid-1700s primarily as an apple orchard (prior to the use of lead-arsenate pesticides) and as a site for grist mills along the Assunpink. Beginning in the 1850s, the pottery industry began to emerge with most of the potteries locating along the Delaware and Raritan Canal (D&R Canal) which separates East Trenton and Top Road. At the same time, rubber companies began to locate near and along the Assunpink. The residential neighborhood between the canal and creek was developed over the next 50 years to support the growing industries. The D&R Canal is currently owned and managed by the NJDEP Division of Parks and Forestry, State Park Service as a state park. The D&R Canal in Trenton is now a source of drinking water for more than one million residents of central New Jersey. The canal is managed by the New Jersey Water Supply Authority (NJWSA), which is responsible for maintaining the canal to ensure it can continue to function as a source of raw drinking water. The NJWSA pumps out about 75 million gallons of water a day from the canal's water transmission complex.

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

Sampling and analysis conducted at occupied residential properties identified the presence of significantly elevated lead concentrations in surficial soil throughout the properties. Lead is a CERCLA hazardous substance as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and listed at 40 C.F.R. § 302.4. The statutory source for designation of lead as a hazardous substance under CERCLA is identified below.

The Site is a "facility" as defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9). Hazardous substances, pollutants, or contaminants present at the Site represent a threat to the public health and welfare as defined by Section 300.415(b)(2) of the NCP, in that there is a potential human exposure at the Site via inhalation, ingestion, and/or direct human contact.

Substances Identified	Maximum Concentration	Statutory Source for Designation as a Hazardous Substance
Lead	7,760 mg/kg	Clean Water Act Section 307(a)

5. National Priorities List status

The Site was proposed for inclusion on the NPL on September 5, 2024.

6. Maps, pictures, and other graphic representations

A site location map is included as Figure 3. A copy of the analytical results tables from soil samples collected at each property is provided in Attachment 3.

B. Other Actions to Date

1. Previous actions

The Site was referred to EPA by the NJDEP on January 9, 2020. EPA issued a Verbal Authorization for an Emergency Removal Action (RV1) on February 14, 2024, to address lead contaminated surficial soil at the Grant School that posed a threat to public health. A second Verbal Authorization (RV2) was issued by the SEMD Director on May 1, 2024, for mitigation contracting to address the threat of exposure to lead in soil at the three public parks in East Trenton. There have been no other removal activities taken by other government or private parties on the occupied residential properties prior to this request.

2. Current actions

There are no current or ongoing removal activities being taken by government or private parties at the occupied residential properties in the East Trenton neighborhood.

State and Local Authorities' role

State and local actions to date

There are no current or ongoing removal activities being taken by government or private parties.

Potential for continued state/local response

Neither NJDEP nor the City of Trenton has the resources available to respond to the lead contamination at the Site. These organizations will act in a supporting role throughout the removal action. EPA's removal program plans to conduct maintenance of the removal action components at the properties. The final long-term future of the soil covers (including maintenance) will depend upon the outcome of the proposed NPL listing.

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

Conditions at the Site that met the requirements of 40 CFR § 300.415(b)(2) of the NCP for undertaking a CERCLA removal action include:

- 1) 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)];

- 2) 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)];
- 3) weather conditions that may cause hazardous substances, or pollutants, or contaminants to migrate or be released [300.415(b)(2)(v)]; and
- 4) the availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].

A. Threats to Public Health or Welfare

EPA has identified conditions at the Site that meet the criteria of the NCP at 40 C.F.R. § 300.415(b)(2), which indicate that a removal action is warranted. Site conditions that correspond to factors that provide a basis for a removal action include:

1. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, or pollutants, or contaminants [40 C.F.R. § 300.415(b)(2)(i)]

Sampling conducted by EPA identified elevated levels of lead above the RML in surficial soil at all 143 residential properties assessed in the East Trenton neighborhood. Not all properties sampled currently present a potential high risk of exposure due to the demographics of the occupants and use of the property. However, many of these properties meet the high-risk criteria, and residents, especially young children, have potential direct contact exposure to lead through ingestion via their hands or soil-laden objects or through inhalation of airborne dust. Gardening, recreating, and frequent use of the grass and exposed soil areas may also increase the risk of exposure to lead.

Lead exposure poses a significant threat to human health, affecting individuals across all age groups, but particularly children and pregnant women. Lead can severely damage a child's developing brain and nervous system, potentially leading to lifelong challenges. Lead exposure can lower a child's IQ and diminish their ability to focus. In adults lead exposure can increase blood pressure and the risk of hypertension, potentially leading to cardiovascular problems. It can also impair kidney function and cause reproductive issues in both men and women. Pregnant women face additional risks, as lead exposure can hinder fetal growth and potentially result in premature birth.

2. High levels of hazardous substances, or pollutants, or contaminants in soils largely at or near the surface that may migrate [40 C.F.R. § 300.415(b)(2)(iv)]

Analytical data indicate that elevated levels of lead are present at or near the surface soil at all residential properties at concentrations exceeding the residential RML. Lead was identified in the top two inches of soil as high as 4,600 mg/kg at one property and above 1,000 mg/kg at 18 other properties, well above the current RML of 200 mg/kg. The soil can potentially become airborne and/or migrate when disturbed under dry conditions and may migrate during heavy rain events.

3. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released [40 C.F.R. § 300.415(b)(2)(v)]

Weather conditions may cause hazardous substances to migrate or to be released particularly through surface water run-off from precipitation potentially entering the storm drains. Under dry conditions, the soil can potentially become airborne and/or migrate when disturbed, potentially impacting indoor residential areas.

4. The availability of other appropriate federal or state response mechanisms to respond to the release [40 C.F.R. § 300.415(b)(2)(vii)].

There are no other appropriate federal or state response mechanisms available to respond to the release. The State of New Jersey is not currently able to take timely and appropriate action to respond to the threat posed by the presence of hazardous substances at the Site. NJDEP has requested EPA's assistance to mitigate the threats posed by the conditions at Site.

IV. ENDANGERMENT DETERMINATION

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

V. EXEMPTION FROM STATUTORY LIMITS

A. Consistency Exemption

1. Continued response actions are otherwise appropriate and consistent with the remedial actions to be taken.

The proposed response actions are appropriate and would be consistent with any remedial actions to be taken. The proposed removal action will prevent direct human contact with any lead contaminated soils, as well as control potential offsite migration of contamination, achieving an expeditious elimination of potential exposure risks. This proposed removal therefore warrants an exemption from the \$2 million and 12-month statutory limitations.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

The proposed removal action at the occupied residential properties includes the installation of interim controls to dissociate the residents from the lead-impacted soil at specific properties that meet the high-risk exposure criteria, which include lead concentrations above the RML, the presence of high-use, frequent contact areas (such as a children's play areas or gardens), and young children and pregnant women in the household. The temporary cover material will be selected based on the residents' needs and may include, but may not be limited to, mulch, stone, raised garden beds with clean soil, and soil and grass seed. The covers may require regular maintenance and monitoring in the short term to prevent erosion and degradation to remain protective. Currently 62 properties in East

Trenton meet the high-risk criteria and will be prioritized for installation of a temporary cover over impacted areas.

The removal action will prevent direct contact and inhalation of lead contaminated soils by residents during the NPL listing process. The future of the covers (including maintenance) will depend upon the outcome of the NPL listing proposal. The placement of clean cover materials over areas of lead-contaminated soil provides an effective barrier to mitigate potential lead exposure pathways. By capping the impacted soil, the contaminated soils are physically isolated. This prevents dispersion of contaminated particulates into the air, thereby eliminating inhalation exposure risks. The cover materials also create a stable buffer separating the contaminants from direct human contact, which blocks inadvertent ingestion pathways.

Of the 143 residential properties sampled by EPA in East Trenton to date, 81 properties have elevated lead concentrations above the RML, but do not meet the high-risk exposure requirements to receive a temporary cover. The affected residents at these properties will be notified and provided with educational materials on lead exposure, potential health risks, and safety precautions to minimize exposure. The removal program will maintain a database of the properties not currently eligible for removal action. Periodically, EPA will recanvass these properties to gather updated information on current demographics and property usage. Any reported changes that could increase exposure risk, such as new residents or altered land use, will trigger a reassessment of the risk and removal action eligibility.

Should the removal or remedial program identify additional high-risk properties in East Trenton in the future, they will be considered for inclusion in this removal action.

The following activities will be conducted to achieve the removal action objectives:

- i. prepare Site Plans: Health and Safety Plan, Work Plan, Quality Assurance Project Plan, and Community Air Monitoring Plan;
- ii. obtain consent for access to each impacted occupied residential property;
- iii. set up support areas: command post, break/security trailers, parking, and staging areas;
- iv. conduct a landscape inventory of the property and document existing conditions prior to removal activities;
- v. remove any debris and landscape as necessary to complete the removal action;
- vi. place up to 6" of topsoil, sod, woodchips, or stone, install raised garden beds with clean soil, or place similar cover material on the areas identified with elevated lead concentrations within the surface soils;
- vii. implement dust suppression measures to prevent the generation of dust during removal activities;

- viii. conduct perimeter air monitoring for particulates and community air sampling for lead during any earth moving activities to determine the effectiveness of dust suppression;
- ix. characterize and dispose of any wastes generated during the removal action. All wastes will be transported off-site for disposal at a facility that complies with the EPA Off-Site Rule;
- x. restore the impacted areas;
- xi. demobilize following the completion of the removal and restoration action; and
- xii. maintenance at each property will be conducted to ensure the covers remain protective.

2. Contribution to remedial performance

The response measures documented in this Action Memorandum will address the immediate threat of exposure to lead at impacted occupied residential properties. The action is consistent with the requirement of Section 104(a)(2) of CERCLA, 42 U.S.C. § 9604(a)(2), in that it will contribute to the efficient performance of any long-term remedial approach. The planned removal action would also be consistent with any future remedial action. The removal program will maintain a database of the properties with elevated concentrations of lead that are not currently eligible for removal action. This database will be used by the remedial program for evaluation during any future remedial action.

3. Applicable or Relevant and Appropriate Requirements

Applicable or relevant and appropriate requirements (ARARs) within the scope of the project, including CERCLA, Resource Conservation and Recovery Act (RCRA), and Department of Transportation regulations that pertain to the transportation and disposal of contaminated materials, including hazardous substances and hazardous wastes, will be met to the extent practicable considering the exigencies of the situation.

4. Project Schedule

At this time, 62 properties have been identified for this removal action. EPA is currently in the process of obtaining access to conduct the removal action from all property owners of the 62 properties. The proposed removal activities can be implemented immediately upon approval of this Action Memorandum. The action will require three to four months to complete plus an additional maintenance period to address issues associated with restoration. The duration of the removal action may be extended if future assessments by the removal or remedial programs identify additional high-risk properties in East Trenton.

Estimated Costs

A summary of estimated costs for the action is presented below. A confidential independent government cost estimate is included as Attachment 4.

Direct Extramural Costs	RV1 and RV2 Ceiling	RV3 Ceiling	Total Funding Authorized and Requested
Regional Allowance Costs (Total clean-up contractor cost including labor, equipment, and materials including 20% contingency)	\$2,200,000	\$2,000,000	\$4,200,000
Other Extramural Costs (START V)	\$200,000	\$200,000	\$400,000
Subtotal, Extramural Costs	\$2,400,000	\$2,200,000	\$4,600,000
Extramural Cost Contingency	\$100,000	\$440,000	\$540,000
Total Direct Extramural Costs	\$2,500,000	\$2,640,000	\$5,140,000

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

Should the proposed actions described in this Action Memorandum not be implemented, the exposure threats posed by the lead will persist and the public will continue to come into direct contact with lead contaminated soil, which will increase their risk of lead exposure.

VIII. OUTSTANDING POLICY ISSUES

There are no known outstanding policy issues associated with this Site at the present time.

IX. ENFORCEMENT

Efforts are underway to identify potentially responsible parties (PRPs). The On-Scene Coordinator is working with the Office of Regional Counsel to evaluate potential viable PRPs to pursue for cost recovery. Due to the time critical nature of this action, EPA will undertake the removal work and seek to recover costs from any viable PRPs at a future date.

ENFORCEMENT COST ESTIMATE

The total cost for the three removal actions (RV1, RV2, and RV3) at this Site, based on full-cost accounting practices that will be eligible for cost recovery, is estimated to be \$7,997,445 and was calculated as follows:

COST CATEGORY	AMOUNT
Direct Extramural Cost	\$5,140,000
Direct Intramural Cost	\$475,000

Subtotal Direct Costs	\$5,615,000
Indirect Costs (Indirect Regional Cost Rate 42.43%)	\$2,382,445
Estimated EPA Costs Eligible for Cost Recovery	\$7,997,445

Note: Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site- specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. 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 costs from this estimate will affect the United States' right to cost recovery.

X. RECOMMENDATION

This decision document represents the selected removal action for the East Trenton neighborhood residential properties portion of the Historic Potteries Site located in the City of Trenton, Mercer County, New Jersey. This document has been developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site meet the criteria for CERCLA Section 104(c) consistency exemption, and I recommend your approval of the exemption from the 12-month and \$2 million statutory limitations. The total project ceiling requested in this Action Memorandum is \$2,640,000 of Direct Extramural Funds, of which \$2,000,000 will be funded from the Regional Removal Advice of Allowance. The total funding authorized to date for this Site which includes the Grant School (RV1), three East Trenton neighborhood parks (RV2), and the East Trenton residential properties (RV3) is \$5,140,000, of which \$4,200,000 is for mitigation contracting. There are sufficient monies in the Advice of Allowance to fund the project.

Please indicate your formal authorization for the removal action at the Historic Potteries Site, as per current Delegation of Authority, by signing below.

Approved: _____
Pat Evangelista, Director
Superfund and Emergency Management Division

Date: _____

Disapproved: _____
Pat Evangelista, Director
Superfund and Emergency Management Division

Date: _____

cc: (upon approval)
J. Prince, SEMD-DD
E. Wilson, SEMD-DD
J. Rotola, SEMD-RAB

D. Gaughan, SEMD-RAB
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J. Johnson, SEMD-NJRB
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