

POLREP #1 and Special Bulletin A

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SUBJECT: Notification of CERCLA Non-Emergency Removal Action -
Elkton Farm Firehole Site - Asbestos Drums

1. Issue

The Environmental Protection Agency Region 3 (EPA) conducted removal activities at the Elkton Farm Firehole Site (the site) from September 2006 through February 2009 in accordance with the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR Part 300. The removal action was conducted to eliminate the threat posed by munitions of explosive concern (MEC) and munitions debris (MD) which had been disposed of at the site during the World War II era. During the removal action it became evident that building debris was also disposed of on site. Some of this material was believed to contain asbestos and was separated and placed in drums in order to reduce the threat of exposure to site workers while sifting dirt to remove MEC and MD. There is a wide range of debris including siding, floor tiles, and what appears to be pipe insulation. Five out of six bulk samples collected of the material contained between 35 and 55 percent Chrysotile asbestos. The OSC believes that much of the material could be friable due to the extremely poor condition of the material. The property owner, Herron 393, LLC (Herron) had verbally agreed to dispose of the drums while conducting additional site activities in coordination with Maryland's Voluntary Cleanup Program (VCP). Due to financial difficulties, the property owner has declared bankruptcy and has been removed from the VCP. The drums are sitting on ground which is wet much of the year in an un-secured area and there are signs of trespassing. The OSC has determined that the Site meets the criteria in Section 300.415 of the NCP for initiating a Removal Action. As a result, a non-emergency removal response action pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 USC Section 9604, is necessary at the Site. Pursuant to Delegation of Authority 14-2, the OSC is authorizing CERCLA funding in an amount not to exceed \$50,000 to initiate a Removal Action to remove the asbestos containing material from the site.

2. Site Background and Current Conditions

a. Site Location, Historical Background

The Site is located two miles northwest of Elkton, Maryland. The Site occupies at least 55 acres of an approximate 400-acre farm property presently owned by Herron 393 LLC. The Firehole parcel is located on the USGS Bayview/Newark West quadrangle at approximately 39°38' north latitude and 75°53' west longitude and has a Maryland grid coordinate of 655,000 N and 1,117,500 E. The Site is bounded on the west by Laurel Run Road, to the north by Zeitler Road, to the east by Little Elk Creek and to the south by ATK Mission Systems Inc. ATK is a private company that tests aerospace systems, space systems, and weapons systems. With the exception of ATK, land use surrounding the site is primarily agricultural/residential.

During the decade before and during World War II, the parcel had been the site of activity related to the manufacture of fireworks and munitions. Initial site investigation activities performed at the site by Maryland Department of the Environment (MDE) in 2005 revealed a significant quantity of UXO buried at the site. Due to lack of funds and resources, MDE referred the site to EPA for cleanup. Investigations performed in 2006 by the Army Corps of Engineers and EPA identified an area on the current Elkton Farm as the Firehole. The Firehole was documented as an area for the disposal of waste explosives material during and just after WWII. Ordinance related material was observed scattered on the ground throughout the site. Building debris was also encountered in the Firehole area. Some of the debris was suspected of containing asbestos. EPA collected samples from suspected asbestos containing material in May and June 2006. Five out of the six samples collected were found to contain between 35 and 55 percent Chrysotile asbestos. Due to the very poor condition of the material, the OSC believes that much of the material should be considered friable.

On April 24, 2007 EPA mobed to the site with its regional ERRS cleanup contractor, Guardian Environmental and its UXO subcontractor, USA Environmental to complete munitions of explosive concern identification, avoidance and disposal activities. Both manual and mechanical means were used to separate MEC and MD from site soils from the Firehole and from areas surrounding the firehole. Suspected asbestos containing material was removed from the soil in order to avoid worker exposure to asbestos during soil sifting operations. This material is now being stored on site in approximately 12 steel drums. Herron had initially planned to dispose of the asbestos containing material while conducting additional site assessment and remediation in coordination with Maryland's Voluntary Cleanup Program (VCP). However, due to financial difficulties, Herron was not able to complete the work. Herron was removed from the VCP in the fall of 2009 and declared bankruptcy in 2010. EPA had not included disposal of the asbestos containing material in previous actions at the site

as the OSC believed that Herron would dispose of the material while working with VCP.

b. Quantities and Types of Substances Present

Approximately 12 drums containing asbestos containing building debris are currently stored on site. Sampling was conducted by EPA contractors in May and June 2006. Five of the six samples collected contained between 35 and 55 percent Chrysotile asbestos. The drums are stored on site in an unsecured area on ground which is wet much of the year. There is evidence of trespassers such as tire marks from ATV's and off road vehicles.

3. **Threats to Public Health or Welfare or the Environment**

Section 300.415 of the National Contingency Plan ("NCP") lists the factors to be considered in determining the appropriateness of a RA. At this time, the following sections apply:

§ 300.415 (b)(2)(i) *Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.*

Based on EPA sampling results, asbestos containing material is present in materials stored in drums. Do to the lack of security at the site, evidence of trespassing, and wet conditions which will cause corrosion of the drums, there is a potential for human exposure.

Asbestos is a hazardous substance within the meaning of CERCLA because it is listed in Section 302.4 of the NCP.

Asbestos is recognized as a known human carcinogen by EPA, the Department of Health and Human Services (DHHS) and the International Agency for Research on Cancer (IARC). Inhalation exposure can cause lung cancer and mesothelioma (a rare cancer of the thin membranes lining the abdominal cavity and surrounding internal organs). Lung cancer is usually fatal while mesothelioma is almost always fatal, often within a few months of diagnosis. There is some evidence that breathing asbestos can increase the chance of getting cancer in other locations (stomach, intestines, esophagus, pancreas and kidneys) but this is less certain. The National Institute for Occupational Safety and Health (NIOSH) recommends that asbestos exposures "be reduced to the lowest feasible concentrations".

§ 300.415 (b)(2)(iii) *Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release*

Asbestos containing material is currently being stored in approximately 12 steel drums on site. Drums are in being stored on ground which is wet much of the year. There is evidence of trespassing on site. Therefore there is a threat of release due the inevitable corrosion of the drums caused by wet conditions and the possibility of vandalism.

§ 300.415 (b)(2)(vii) The availability of other appropriate federal or state response mechanisms to respond to the release.

The MDE had requested EPA to conduct a removal action at the Site to eliminate the threat posed by UXO at the site. Asbestos containing material was generated during EPA's previous removal activities at the site. No other federal or State response mechanisms are currently available to perform the actions necessary to mitigate the threats to public health and the environment presented by the release or threatened release of asbestos from the Site.

4. Endangerment Determination

The OSC determines, based upon information gathered during previous removal activities at the site, that the potential release of asbestos presents a threat to public health, welfare or the environment. For this reason, the OSC is initiating this removal action.

5. Actions and Estimated Costs

A. Actions

This scope of work is prepared in recognition of the \$50,000 ceiling limit for a non-emergency activation. As work proceeds, the OSC will be evaluating site conditions and conducting additional assessment activities to determine if preparation of an Action Memorandum is warranted seeking additional funding.

- Mobilize/demobilize personnel and equipment to and from the Site.
- If necessary, arrange for sampling to determine proper disposition of approximately 12 drums containing asbestos containing material.
- Arrange for transportation and disposal of drums containing asbestos material.

B. Estimated Costs:

Extramural Cost:

Regional Removal Allowance Cost	
Total Cleanup Contractor Cost (ERRS)	\$17,500
(cost includes estimates for ERRS contractor and subcontractors)	

6. Contribution to Remedial Performance

The Removal Action is not expected to be inconsistent with or hinder any potential future remedial actions at the Site.

7. Compliance with ARARS

This Removal Action will comply with all environmental and health Applicable and Relevant and Appropriate Requirements (ARARs) to the extent practicable given the exigencies of the situation.

8. Expected Changes in the Situation Should No Action Be Taken or Action is Delayed

If the proposed actions at the Site are not implemented or are delayed there is a potential for release of asbestos fibers at the site.

9. Outstanding Policy Issues

There is no known outstanding policy issues associated with the Site.

10. Enforcement

The OSC will work with EPA Region III HSCD Office of Enforcement staff regarding the Site.

The total EPA costs for this Removal Action, as described in procedures outlined in OSWER 9630.0-42, and based on full cost accounting practices that will be eligible for cost recovery are estimated as follows:

Direct Extramural Costs	\$17,500
Direct Intramural Costs	<u>\$7,500</u>
	Total \$ 25,000
Indirect Costs (63.22 percent of above; rounded)	<u>\$ 15,805</u>

Estimated EPA costs for Removal Action

\$40,805