




US EPA RECORDS CENTER REGION 5
405298
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
9311 GROH ROAD
GROSSE ILE, MI 48138

18 AUG 2011

MEMORANDUM

SUBJECT: **ACTION MEMORANDUM** - Request for Approval of a Time-Critical Removal Action at the A-1 Village Cleaners Site, Detroit, Wayne County, Michigan (Site ID # B5ZX)

FROM: Jeffrey A. Lippert, On-Scene Coordinator (OSC)
Emergency Response Branch-1
Response Section-2

THRU: Beverly Kusko,  Section Chief
Response Section-2

TO: Jason El-Zein, Branch Chief
Emergency Response Branch-1

I. PURPOSE

This memorandum is to request and document your approval to expend up to \$49,836 to conduct a time-critical removal action at the A-1 Village Cleaners Site (Site), in Detroit, Wayne County, Michigan. The response actions proposed herein are necessary to mitigate threats to public health, welfare, and the environment posed by the release or threat of release of uncontrolled hazardous substances at the Site. The presence of hazardous substances existing at the Site has been documented.

The response action proposed herein will mitigate the threats at the Site by properly identifying, consolidating, and packaging hazardous materials, pollutants, and contaminants on-site. The consolidated materials will be removed and ultimately disposed off-site. This response action will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(a)(1), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) 40 CFR 300.415, to abate or eliminate the immediate threat posed to public health and/or the environment by the presence of the hazardous wastes. The uncontrolled conditions of the hazardous wastes present at the Site require that this action be classified as a time-critical removal action. The project will require approximately 10 working days to complete.

There are no nationally significant or precedent setting issues associated with the Site. The Site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID: MIN000510559

RCRA ID: none

State ID: PEAS#10-129

Category: Time-Critical

The A-1 Village Cleaners Site is located at 16372 Harper Avenue, Detroit, Wayne County, Michigan 48224 in a mixed residential/commercial area. Coordinates for the Site are 42.4109 degrees north and -82.9437 degrees west. The Site is approximately 0.14 acres in size and bordered by Harper Avenue to the northwest, attached commercial storefronts to the southwest and northeast, and an alley and residential properties to the southeast.

On June 11, 2010, the Air Quality Division (AQD) of Michigan Department of Environmental Quality (MDEQ), formerly Michigan Department of Natural Resources and Environment, conducted an inspection at the Site. MDEQ-AQD documented that A-1 Village Cleaners had ceased operation and left drums and other containers behind the building. AQD referred the call to MDEQ- Remediation Division (RD). MDEQ-RD followed up on the complaint and documented the presence of drums at the Site. Having insufficient resources to conduct the work, on December 27, 2010, RD referred the Site to the United States Environmental Protection Agency (U.S. EPA) for assessment and possible removal of the abandoned drums.

A. Site Description

1. Removal site evaluation

On December 27, 2010, U.S. EPA responded to the Site. Abandoned drums and miscellaneous containers were observed in the alley behind the Site building. However, the containers were located in a fenced area and observed to be secure. U.S. EPA determined that the containers were not an emergency threat and could be dealt with on a Time-Critical schedule.

U.S. EPA conducted an assessment at the Site on June 16, 2011. The Site was found to contain uncontrolled hazardous wastes in 17 unlabeled 55-gallon drums and smaller containers inside and outside the building. U.S. EPA collected two liquid samples from on-site containers, one soil sample from behind the building in an area of distressed vegetation, and one solid sample from another on-site container. Laboratory analysis confirmed the presence of PCE at characteristically hazardous levels in two of the liquid containers. The laboratory results for the soil sample collected from the Site also confirmed that the soil behind the building contained PCE.

U.S. EPA documented unrestricted Site access in many areas and visual evidence of trespassing throughout the property. Access to the Site is unrestricted due to broken windows and security bars that had been forcibly bent allowing access to the Site from

the alley. There are residential properties approximately 50 feet from the containers behind the building, and St. Matthew School is located across Harper Avenue.

2. Physical Location

The A-1 Village Cleaners Site is located at 16372 Harper Avenue in Detroit, Wayne County, Michigan 48224. The Site consists of a vacant building in an urban residential/commercial/industrial area. The Site is approximately 0.14 acres in size and bordered by Harper Avenue to the northwest, attached commercial storefronts to the southwest and northeast, and an alley and residential properties to the southeast.

The area surrounding the A-1 Village Cleaners Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern according to EPA Region 5. The A-1 Village Cleaners Site is in a census tract with a score of 2 (Attachment III). Therefore, Region 5 considers this Site to be a high-priority potential EJ area of concern. Please refer to the attached map and analysis for additional information.

3. Site characteristics

The A-1 Village Cleaners Site consists of one vacant Site building and a fenced courtyard. Numerous signs of trespassing were observed on the Site. The Site borders Harper Avenue to the northwest, attached commercial storefronts to the southwest and northeast, and an alley and residential properties to the southeast.

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

On June 16, 2011 U.S. EPA conducted a site assessment at the property and confirmed the presence of PCE wastes in containers inside and outside the building. Samples collected document Toxicity Characteristic Leaching Procedure (TCLP) results for tetrachloroethene (PCE) as high as 570 milligrams per liter (mg/L). This result is over 800 times higher than what is considered characteristically hazardous for PCE.

Substances in drums and containers at the Site have been found to be characteristically hazardous. There is also physical evidence that trespassers have accessed the property. Access to the Site is unrestricted. Windows have been broken and bars on one window in the alley were bent allowing access to the Site.

5. NPL Status

The Site is not on the NPL nor is there an expectation the Site will be proposed for the NPL.

6. Maps, pictures, and other graphic representations

Attachment 3 includes graphic representations of Environmental Justice data for the area surrounding the Site.

B. Other Action to Date

1. Previous actions

There are no known previous actions taken at the Site.

2. Current actions

No known current actions are being taken at the Site.

C. State and Local Authorities' Roles

1. State and local actions to date

On June 11, 2010, MDEQ-AQD conducted an inspection at the Site. MDEQ-AQD documented that A-1 Village Cleaners had ceased operation and left drums and other containers behind the building. AQD referred the call to MDEQ-RD for cleanup of the abandoned containers. MDEQ-RD followed up on the complaint and documented the presence of drums at the Site. On December 27, 2010, MDEQ-RD referred the Site to U.S. EPA.

2. Potential for continued state/local response

None.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT

The conditions at the Site present an imminent and substantial threat to the public health, or welfare, and the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as amended, 40 C.F.R. Part 300. These factors include, but are not limited to, the following:

√ **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)].**

The drums and containers are readily accessible, and several residential properties are located approximately 50 feet from the Site.

The presence of hazardous wastes at the Site could pose a threat to nearby residents and trespassers from the potential for off-site migration of contaminants and potential direct contact exposure.

There are numerous signs of trespassing at the Site including broken windows and other signs of vandalism inside the building, as well as bent window bars on an alley window to allow access.

Drums containing characteristically hazardous waste were observed to be open during the site assessment. This fact, along with the visible signs of trespass could easily lead to drums being dumped either purposely or accidentally. A dumped drum would release its contents and expose neighbors, animals and the food chain to hazardous waste.

None of the waste on Site is properly containerized nor does it have secondary containment. A number of the containers documented at the Site are deteriorated, corroded, or open. Potential releases of hazardous waste at the Site could, in addition to directly affecting nearby populations, also migrate off-site. Due to on-site waste storage conditions and visual evidence of trespassers, hazardous waste on-site could be released. Exposure through each of these migration pathways could be an imminent endangerment to human health, welfare, or the environment.

According to the Agency for Toxic Substances and Disease Registry (ATSDR), PCE exposure at high levels can cause dizziness, sleepiness, headaches, confusion, nausea, difficulty speaking and walking, unconsciousness and death. Also according to ATSDR, PCE is reasonably anticipated to be a carcinogen.

√

Actual or potential contamination of drinking water supplies or sensitive ecosystems [300.415(b)(2)(ii)].

The drums and other miscellaneous small containers containing hazardous wastes or potentially hazardous materials around the property could become compromised and secondary containment is not present. Intentional or accidental releases of hazardous waste from the Site could enter the storm sewer and potentially affect drinking water supplies and sensitive ecosystems.

√

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

Several drums and other containers have hazardous waste or potentially hazardous chemicals inside. The drums are in poor condition. Two liquid samples from Site drums were collected and both were identified as containing characteristically hazardous waste through laboratory analysis. Continued exposure to the weather elements and the activity of trespassers could cause containers on-site to breach and the contents of the containers to be released into the environment.

√

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)].

PCE is documented in surface soils in the courtyard behind the Site building. During precipitation events, PCE could migrate off-site. Similarly, PCE could be tracked off-site by trespassers. Visual signs of trespassing at the Site was documented both inside and outside of the building.

√ **Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].**

Weather in Michigan can be severe, with wide variations in temperature. These weather conditions could cause the subsequent breach of containment and release of chemicals at the Site. Currently, most the containers on-site are exposed to adverse weather conditions such as direct sunlight, extreme temperatures, high winds, rain, sleet, and snow. Severe weather conditions have and will continue to contribute to the deterioration of the drums at the Site, creating the potential for releases and migration of hazardous wastes.

√ **Threat of fire or explosion [300.415(b)(2)(vi)].**

The threat of fire or explosion is high due to the visual signs of trespassing and vandalism in the building. As temperatures decrease in autumn and winter, the potential increases for vagrants to enter the buildings and start fires for warmth. A fire could produce toxic gases, irritants, hazardous smoke, and contaminated fire suppression water runoff.

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

MDEQ requested U.S. EPA's assistance after responding to the Site and documenting the containers of potential hazardous waste there. This request documents the need for federal involvement to address imminent endangerment posed by the Site.

— **Other situations or factors that may pose threats to the public health or welfare of the United States or the environment [300.415(b)(2)(viii)].**

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the known and suspected hazardous substances on-site, and the potential exposure pathways described in Sections II and III, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED REMOVAL ACTIONS & ESTIMATED COSTS

A. Removal Action

1. Action description

The response actions described in this memorandum directly address actual or potential releases of hazardous substances on Site, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment. The OSC proposes to undertake the following response actions to mitigate threats posed by the presence of hazardous wastes at the Site:

- a.) Develop and implement a site-specific Health and Safety Plan, including an Air Monitoring Plan, and a Site Emergency Contingency Plan;
- b.) Develop and implement a Site Work Plan and Site Security Plan;
- c.) Inventory and perform hazard categorization, in compliance with a site-specific Quality Assurance/Quality Control (QA/QC) Plan, on all substances within containers and drums;
- d.) Excavate approximately two feet of soil below the ground surface in the area of distressed vegetation;
- e.) Consolidate and package all hazardous substances, pollutants and contaminants for transportation and off-site disposal;
- f.) Transport and dispose of all characterized and/or identified hazardous substances, pollutants, wastes, or contaminants that pose a substantial threat of release, at a Resource Conservation Recovery Act (RCRA)/CERCLA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 C.F.R. § 300.440).

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP. Elimination of all threats presented by hazardous substances on the Site is, however, expected to minimize the need for post-removal site control.

All hazardous substances, pollutants, or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 CFR §300.400.

2. Contribution to remedial performance:

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the site.

3. Engineering evaluation/cost analysis (EE/CA):

None.

4. Applicable or relevant and appropriate requirements (ARARs)

All identified, applicable or relevant and appropriate requirements (ARARs) of federal and state law will be complied with to the extent practicable considering the exigencies of the situation. The OSC sent a letter dated June 29, 2011, requesting that Mr. Paul Owens, MDEQ, Warren District Office, identify any applicable state ARARs. Federal ARARs for this Site primarily include 40 CFR 300.415 (b)(2), 40 CFR Part 260, and 40 CFR 300.440

5. Project schedule

The project required approximately 10 working days to complete.

B. Estimated Costs

A Detailed Cleanup Contractor Estimate is presented in Attachment 1.

<u>Extramural Costs:</u>	
<u>Regional Removal Allowance Costs:</u>	\$31,150
Cleanup Contractor Costs	
<u>Other Extramural Costs Not Funded from the Regional Allowance: START.</u>	\$12,186
Subtotal	\$43,336
15% Extramural Cost Contingency	\$ 6,500
Total Removal Project Ceiling	\$49,836

*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

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

Given the Site conditions, the nature of the hazardous substance documented on-site, and the potential exposure pathways to nearby populations described in Sections II and III, actual or threatened release of the hazardous substance from the Site, if not addressed by implementing the response actions selected in this Action Memorandum, would present an imminent and substantial endangerment to public health, welfare, or the environment.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum. The total EPA costs for this

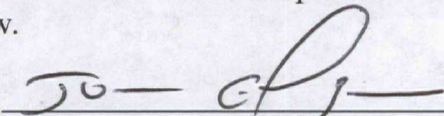
removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$103,996¹.

$$(\$49,836 + \$14,059) + (62.76\% \times \$63,895) = \$103,996$$

IX. RECOMMENDATION

This decision document represents the selected removal action for the A-1 Village Cleaners Site in Detroit, Wayne County, Michigan. 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, see Attachment II. Conditions at the Site meet the NCP § 300.415(b)(2) criteria for a time-critical removal action and I recommend your approval.

The total removal project ceiling, if approved, will be \$49,836. Of this, an estimated \$37,650 may be used for the cleanup contractor costs. You may indicate your decision by signing below.

APPROVE: 
Chief, Emergency Response Branch 1

DATE: 8-18-11

DISAPPROVE: _____
Chief, Emergency Response Branch 1

DATE: _____

¹Direct 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 total costs from this estimate will affect the United States' right to cost recovery.

Enforcement Addendum

Attachments:

- I. Independent Government Cost Estimate
- II. Administrative Record Index
- III. Region V EJ Analysis
- IV. Detailed Cleanup Contractor Cost Estimate

cc: S. Fielding, U.S. EPA, 5203-G
M. Chezik, U.S. DOI, w/o Enf. Addendum
Dan Wyant, Director, MDEQ, w/o Enf. Addendum
Bill Schuette, Michigan Attorney General, w/o Enf. Addendum
P.O. Box 30212
Lansing, MI 48909
J. Walczak, MDEQ, w/o Enf. Addendum
walczakj@michigan.gov

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ENFORCEMENT ADDENDUM

**A-1 VILLAGE CLEANERS DRUM SITE
DETROIT, WAYNE COUNTY, MICHIGAN**

JULY 2011

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY**

(REDACTED 1 PAGE)

ATTACHMENT 1

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION**

DETAILED CLEANUP CONTRACTOR COST ESTIMATE

**A-1 VILLAGE CLEANERS SITE
DETROIT, WAYNE COUNTY, MICHIGAN**

JULY 2011

(REDACTED 1 PAGE)

**ENFORCEMENT CONFIDENTIAL
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ATTACHMENT II

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION**

**ADMINISTRATIVE RECORD
FOR
A-1 VILLAGE CLEANERS SITE
DETROIT, WAYNE COUNTY, MICHIGAN**

**ORIGINAL
July 2011**

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	09/00/97	ATSDR	File	Tox FAQs Sheet for Tetrachloroethylene CAS #127-18-4	2
2	12/27/10	DeGrazia, J., MDNRE	Lippert, J., U.S. EPA	E-mail Message re: MDNRE Request for U.S. EPA Assistance at the A-1 Village Cleaners Site	1
3	6/29/11	Lippert, J., U.S. EPA	Owens, P., MDEQ	Letter re: EPA Request that MDEQ Identify any ARARs for the Village Cleaners Site	1
4	07/15/11	Clark, A., Weston Solutions, Inc.	Lippert, J., U.S. EPA	Site Assessment Report for the A-1 Village Cleaners Site	59
5	00/00/00	Lippert, J., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request for Approval of a Time-Critical Removal Action at the A-1 Village Cleaners Site (PENDING)	17

ATTACHMENT III

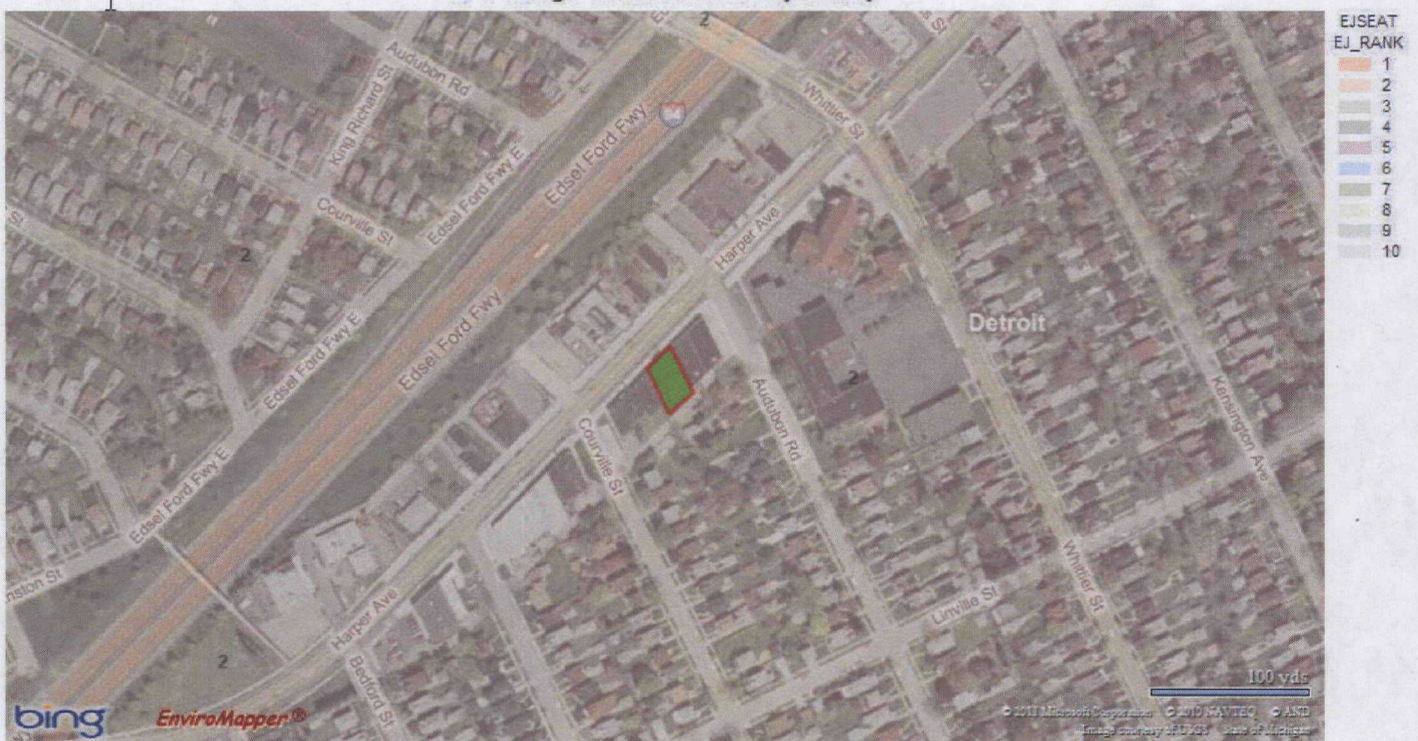
**U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION**

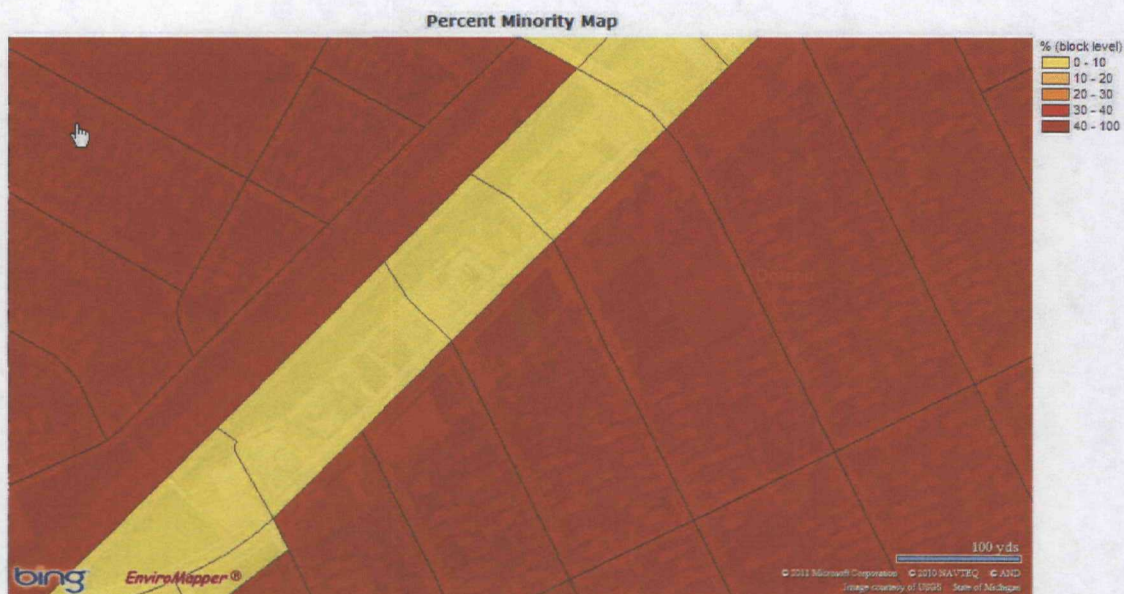
**REGION 5 SUPERFUND ENVIRONMENTAL JUSTICE ANALYSIS
FOR
A-1 VILLAGE CLEANERS SITE
DETROIT, WAYNE COUNTY, MICHIGAN**

July 2011

A-1 Village Cleaners Site Map Showing EJ SEAT Values For Surrounding Area

A-1 Village Cleaners EJ Analysis Map





Overview

<u>Total Persons:</u>	8546	<u>Land Area:</u>	100%	<u>Households in Area:</u>	2850
<u>Population Density:</u>	10426.05 /sq mi	<u>Water Area:</u>	0%	<u>Housing Units in Area:</u>	3017
<u>Percent Minority:</u>	91.7%	<u>Persons Below Poverty Level:</u>	1186 (14%)	<u>Households on Public Assistance:</u>	301
<u>Percent Urban:</u>	100%	<u>Housing Units Built <1970:</u>	96%	<u>Housing Units Built <1950:</u>	62%

Race and Age*

Race Breakdown	Persons (%)	Age Breakdown	Persons(%)
<u>White:</u>	721 (8.4%)	<u>Child 5 years or less:</u>	838 (9.8%)
<u>African-American:</u>	7646 (89.5%)	<u>Minors 17 years and younger:</u>	3014 (35.3%)
<u>Hispanic-Origin:</u>	61 (0.7%)	<u>Adults 18 years and older:</u>	5532 (64.7%)
<u>Asian/Pacific Islander:</u>	29 (0.3%)	<u>Seniors 65 years and older:</u>	479 (5.6%)
<u>American Indian:</u>	4 (0.0%)	This space intentionally left blank	
<u>Other Race:</u>	28 (0.3%)		
<u>Multiracial:</u>	119 (1.4%)		

(* Columns that add up to 100% are highlighted)

ATTACHMENT IV

INDEPENDENT GOVERNMENT COST ESTIMATE

**A-1 VILLAGE CLEANERS SITE
DETROIT, WAYNE COUNTY, MICHIGAN**

JULY 2011

(REDACTED 2 PAGES)

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