



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**9311 GROH ROAD**

**GROSSE ILE, MI 48183**

US EPA RECORDS CENTER REGION 5



430176

**10 APR 2012**

**MEMORANDUM**

**SUBJECT:** Request for Approval and Funding for a Time-Critical Removal Action at the Detroit Tubular Rivet Site, Wyandotte, Wayne County, Michigan (Site ID # C5C7)

**FROM:** Brian Kelly, On-Scene Coordinator  
Emergency Response Section 2

**THRU:** Jason H. El-Zein, Chief  
Emergency Response Branch 1

**TO:** Richard C. Karl, Director  
Superfund Division

**I. PURPOSE**

The purpose of this Action Memorandum is to request and document your approval to expend up to \$397,295 to conduct a time-critical removal action at the Detroit Tubular Rivet Site (site) located at 1213 Grove Street, Wyandotte, Wayne County, Michigan, 48192. The proposed time-critical removal action herein will mitigate the threats from 300 drums, totes, and small containers, some of which were sampled and found to contain cyanide, acids, and methylene chloride (all of which are considered hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act - CERCLA). The wastes will be secured, sampled, and arranged for off-site disposal. There are no nationally significant or precedent setting issues associated with the proposed response at this non-National Priority List (NPL) site.

The Action Memorandum would serve as approval for expenditures by Environmental Protection Agency, as the lead technical agency, to take actions described herein to abate the imminent and substantial endangerment posed by hazardous substances at the site. The proposed removal of hazardous substances would be taken pursuant to Section 104(a)(1) of CERCLA, 42 USC 9604(a)(1), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 Code of Federal Regulations (CFR) 300.415.

## **II. SITE CONDITIONS AND BACKGROUND**

Name: Detroit Tubular Rivet

Superfund Site ID (SSID): C5C7

CERCLIS Number: MIN000510694

Site Location: 1213 Grove Street, Wyandotte, Michigan 48192

Lat/Long: 42.191608 -83.168303

Potentially Responsible Party (PRP): Detroit Tubular Rivet, Inc - Bankrupt

NPL Status: Non NPL

Project Schedule: 30 working days

Category: CERCLA Time-Critical

### **A. Site Description**

#### **1. Removal Site Evaluation**

The site is located at 1213 Grove Street, Wyandotte, Michigan, 48192. The current owner is the bankrupt Detroit Tubular Rivet Inc. (DTR). DTR manufactured bolts, nuts, rivets and washers, specializing in metal rivets (NAICS 332722), and operated zinc and brass electroplating services, from 1954 until filing for Chapter 11 bankruptcy on December 17, 2010, file number 10-77682, in the US Bankruptcy Court, Detroit, Michigan.

On January 20, 2012, Michigan Department of Environmental Quality (MDEQ) requested EPA assistance in cleanup of the site. MDEQ included in its referral to EPA a January 12, 2012, Violation Notice sent to DTR that listed 16 hazardous and liquid industrial waste violations including failure to perform the following: minimize the possibility of fire, explosion, or release of hazardous waste which could threaten human health and/or the environment; maintain containers of hazardous waste in good condition; maintain closed hazardous waste containers except when adding or removing waste; and manage waste in a manner that prevents the discharge of liquid industrial waste into the soil, surface water, groundwater, or a drain or sewer. DTR's response to the Violation Notice stated, "DTR will not be able to address your violations; I am jobless with no money to pay for disposal."

On January 30, 2012, EPA conducted a site assessment, which documented the site as abandoned with more than 300 drums, totes, and containers. Operations at the site ceased in August 2011, when nearly all equipment was sold off at auction. Only chemicals and a few pieces of equipment associated with the site were still present during the site assessment. The remaining 300 plus containers are stored in approximately 11 areas of the site, which includes 100 steel, polyethylene (poly) and fiber drums. Some of the drums show signs of deterioration, damage, or possible leaking, and seven drums were found labeled as containing sodium or copper cyanide residuals. EPA collected representative samples from two blue poly drums and one steel drum that showed drums DTR-WL02-013012 and DTR-WL03-013012 contain liquids with a pH of less than 1 standard unit (SU), which according to regulations at 40 CFR 261.22, makes the waste hazardous for characteristics of corrosivity. Solid samples taken from a steel roll-off dumpster and a fiber drum showed DTR-WS01-013012 and DTR-WS02-013012 contain

cyanide, which is a listed hazardous substance under 40 CFR 302.4. The site assessment documented five drums labeled as *Hazardous Waste - Methylene Chloride*, which is a hazardous waste under 40 CFR 261.31. The sampling conducted during the site assessment was representative of site conditions and the abandoned containers.

## **2. Physical location**

On the site property is a single-story, 53,000 square foot (ft<sup>2</sup>) building, and several concrete parking and undeveloped grassy areas. The surrounding area is mixed light industrial and residential, bordered by Grove Street and industrial properties to the north, industrial properties and railroad tracks to the east, industrial properties to the south, and 14th Street, residences, and Monroe Elementary School to the west. Monroe Elementary School is located 400 feet directly west, and the nearest residences are located 200 feet to the northwest. The Trenton Channel of the Detroit River is approximately 0.8 mile southeast of the site (see attachment 4).

The property is abandoned, in general disrepair, with evidence of trespassing and vandalism. The building consists of offices to the north end with the remainder of the facility made up by warehouse space used for industrial processes, shipping, and storage. At least one manhole cover was identified within the site building during the site assessment, and two storm water grates exist along the site perimeter on Grove Street and 14<sup>th</sup> Street. Several areas of the building contain partially full to overflowing trenches and pits. A dumpster located on the west exterior side of the building contains electroplating waste water solids, is unsecured and easily accessible, unlabeled, and covered with only a thin layer of plastic sheeting.

The area surrounding the 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. This site is in a census tract with a score of 2. Therefore, Region 5 does consider this site to be a high-priority potential EJ area of concern. Please refer to the attached analysis for additional information (Attachment 2).

## **3. Site Characteristics**

The wastes are abandoned, without secondary containment and can be accessed by anyone entering the building. The site is non-operational and vacant, except for the remaining chemicals and minor equipment. Wastes are present in various open and closed aboveground storage tanks, vats, totes, drums, and small containers, and various areas of the floor are stained with releases of oil, grease, and possible plating waste solids. Of the 11 storage areas, only one small area within the building has a secondary containment surrounding stored containers. Some drums showed signs of deterioration, damage, or possible leaking. Trenches and pits within the building are partially full to overflowing with liquids, oil and sludge, or possibly antifreeze. A dumpster located on the west exterior side of the building contains electroplating waste water solids, is unsecured and easily accessible, unlabeled, and covered with only a thin layer of plastic sheeting. Perimeter fencing exists along the east side of the building; otherwise, perimeter property access is unrestricted. The roof and west side of the building have two small access

points, and one window is broken from suspected trespassing. The MDEQ has requested EPA's assistance in addressing environmental hazards at the site.

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

On January 30, 2012, EPA conducted a site assessment that found corrosive waste (40 CFR 261.22), methylene chloride waste (40 CFR 261.31), and cyanide waste (40 CFR 302.4) present at the site. Many of the 300 plus containers are open, unsecured, and without secondary containment. The site is without power, unsecured, abandoned, and accessible to trespassers. Access points for precipitation and wildlife exist.

**5. NPL status**

The site is not on the NPL.

**6. Maps, pictures and other graphic representations**

Attachments 4 and 5 show the location of the site and the location of the samples.

**B. Other Actions to Date**

**1. Previous actions**

There have been no previous response actions at the site.

**2. Current actions**

No current actions are being taken at the site. The site is abandoned.

**C. State and Local Authorities' Roles**

**1. State and local actions to date**

On January 20, 2012, MDEQ requested EPA assistance in conducting a cleanup.

**2. Potential for continued State/local response**

Given the exigency of the situation, neither the state nor local governments have the resources to conduct a removal action.

### **III. THREATS TO PUBLIC HEALTH OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

The conditions remaining at the site present a substantial threat to the public health or welfare, and the environment, and meet the criteria for a time-critical removal action as provided for in the NCP, 40 CFR 300.415(b)(2). These criteria 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.**

The nearest residences are located 200 ft northwest of the site with additional residences to the west and southwest. Monroe Elementary School is located less than 400 ft directly west. The presence of the residences and a school increase the likelihood of human exposure if a release of hazardous substances were to occur. The site assessment documented more than 300 vats, totes, drums, pits, trenches, and small containers without secondary containment. Some of these containers included corrosive hazardous waste, labeled hazardous waste, and listed hazardous substances. The routes of exposure at this abandoned site include trespassing, vandalism, metal scraping, and fire.

#### **Actual or potential contamination of drinking water supplies or sensitive ecosystems**

The site assessment documented vats, totes, drums, pits, trenches, and small containers with no secondary containment. A release from the site could flow through floor drains or perimeter storm water drains into sewer lines to the Trenton Channel of the Detroit River, which is less than 1 mile from the site. Cyanide and methylene chloride in particular could negatively impact sensitive ecosystems through fish kills and biota disruption.

#### **Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release.**

During the site assessment, over 300 containers of various sizes were found. Sampling showed some of these containers contain corrosive waste and cyanide. The site assessment documented some of the drums are labeled as hazardous wastes containing methylene chloride and sodium or copper cyanide residuals. Many of the drums show signs of damage, and spills and leaks have occurred in several areas of the building. A roll-off dumpster containing cyanide electroplating solids is located on the exterior of the building and is unsecured and easily accessible.

The relatively unrestricted site access could result in trespassers causing accidental or intentional releases of hazardous substances. The close proximity of the site to residences and Monroe Elementary School increases potential threats of release.

**Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.**

The site is abandoned; the building will likely continue to deteriorate. Continued freezing and thawing of the wastes may cause drums to further release hazardous substances.

**Threat of fire or explosion**

The threat of fire or explosion at the site exists based on the flammable nature of some materials at the site (such as paints, automotive aerosol products, and flammable containers) and because the building is unoccupied. The probability for an intentional or unintentional fire being set at a vacant facility will increase over time as more incidents of vandalism or trespassing occur. A fire occurring at the site has the potential to create toxic gases containing constituents such as cyanides.

**The availability of other appropriate federal or state response mechanisms to respond to the release.**

No other federal or state response mechanism is available to respond in a timely manner given the exigencies of the situation.

**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 above, 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, or welfare, or the environment.

**V. PROPOSED ACTIONS AND ESTIMATED COSTS**

**A. Proposed Actions**

**1. Proposed 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. Removal activities on site will include:

- a) Develop and implement a site Health and Safety Plan;
- b) Develop and implement a work plan; and



- c) Secure, characterize, remove, and properly dispose of the drums, containerized wastes, spilled waste materials, associated contaminated soil, and hazardous debris located at the site.

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 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 provisions of post-removal site control consistent with the provisions of 40 C.F.R. 300.415(l). Elimination of all threats presented by hazardous substances in the buildings is expected to eliminate the need for post-removal site controls.

## **2. Contribution to remedial performance:**

The proposed action will not impede future actions based on available information.

## **3. Engineering Evaluation/Cost Analysis (EE/CA)**

Not Applicable

## **4. Applicable or relevant and appropriate requirements (ARARs)**

All applicable, relevant, and appropriate requirements (ARARs) of Federal and State law will be complied with to the extent practicable considering the exigencies of the circumstances. On February 27, 2012, a letter was sent to Mark Daniels of MDEQ requesting applicable State of Michigan ARARs.

### Federal

Federal ARARs for this site primarily include 40 CFR 300.415(b)(2), which will address removal work at the site; 40 CFR Part 260, which will address disposal of waste, and 40 CFR 300.440, which will address off site shipment of waste.

## **5. Project Schedule**

The project will require approximately 30 working days to complete.

The detailed cleanup contractor cost is presented in Attachment 6 and the Independent Government Cost Estimate is presented in Attachment 3; estimated costs are summarized below:

**B. Estimated Costs**

REMOVAL ACTION PROJECT CEILING ESTIMATE	
<b><u>Extramural Costs:</u></b>	
<b><u>Regional Removal Allowance Costs:</u></b>	
Cleanup Contractor Costs(Includes a 15 % contingency)	\$ 268,295
<b><u>Other Extramural Costs Not Funded from the Regional Allowance:</u></b>	
Total START	\$ 62,784
 Subtotal	 \$ 331,079
 Costs Contingency (20% of Subtotal)	 \$ 66,216
 TOTAL REMOVAL ACTION PROJECT CEILING	 \$ 397,295

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

Given the site conditions, the nature of the hazardous substances and pollutants or contaminants documented on site, the potential exposure pathways to nearby populations described in Sections II, III and IV above, actual or threatened release of hazardous substances and pollutants or contaminants from the site, failing to take or delaying action may present an imminent and substantial endangerment to public health, welfare or the environment, increasing the potential that hazardous substances will be released, thereby threatening the adjacent population and 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<sup>1</sup>.

Direct Costs	+	Indirect Costs	=	Estimated EPA Costs
(\$397,295 + \$10,000)		(407,295 x 62.76%)		
\$ 407,295		\$ 255,618		\$662,913

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 \$662,913.

## IX. RECOMMENDATION

This decision document represents the selected removal action for the Detroit Tubular Rivet Site located in Wyandotte, Wayne County, Michigan, 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 (Attachment 1). Conditions at the site meet the NCP Section 300.415(b)(2) criteria for a removal and I recommend your approval of the removal action proposed in this Action Memorandum.

The total project ceiling if approved will be \$397,295, of which an estimated \$334,511 may be used for cleanup contractor costs. You may indicate your approval by signing below.

Approve: Richard C. Kell 4-10-12  
Director, Superfund Division Date

Disapprove: \_\_\_\_\_  
Director, Superfund Division Date

## Enforcement Addendum

<sup>1</sup> 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 total costs from this estimate will affect the United States' right to cost recovery.

Attachments

1. Administrative Record Index
2. Region 5 EJ Analysis
3. Independent Government Cost Estimate
4. Site Location Map
5. Site Layout Map
6. Detailed Cleanup Contractor Costs

cc: S. Fielding, U.S. EPA, 5104A  
([fielding.sherry@epa.gov](mailto:fielding.sherry@epa.gov))  
D. Valencia, U.S. Department of Interior, **w/o Enf. Attachment**  
([darby\\_valencia@ios.doi.gov](mailto:darby_valencia@ios.doi.gov))  
D. Wyant, Director, MDEQ, **w/o Enf. Addendum**  
([WyantD@michigan.gov](mailto:WyantD@michigan.gov))  
B. Schuette, Michigan Attorney General, **w/o Enf. Addendum**  
([SchuetteB@michigan.gov](mailto:SchuetteB@michigan.gov))  
J. Walczak, MDEQ, **w/o Enf. Addendum**  
([walczakj@michigan.gov](mailto:walczakj@michigan.gov))  
M. Daniels, MDEQ, **w/o Enf. Addendum**  
[DANIELSM@michigan.gov](mailto:DANIELSM@michigan.gov)

**ENFORCEMENT ADDENDUM**

**ENFORCEMENT CONFIDENTIAL  
NOT SUBJECT TO DISCOVERY**

**FOIA EXEMPT**

**DETROIT TUBULAR RIVET SITE  
WYANDOTTE, WAYNE COUNTY, MICHIGAN  
APRIL 2012**

**(REDACTED 2 PAGES)**

**ENFORCEMENT CONFIDENTIAL  
NOT SUBJECT TO DISCOVERY**

# ATTACHMENT 1

## DTR SITE WYANDOTTE, MI APRIL 2012

ORIGINAL  
FEBRUARY 2012

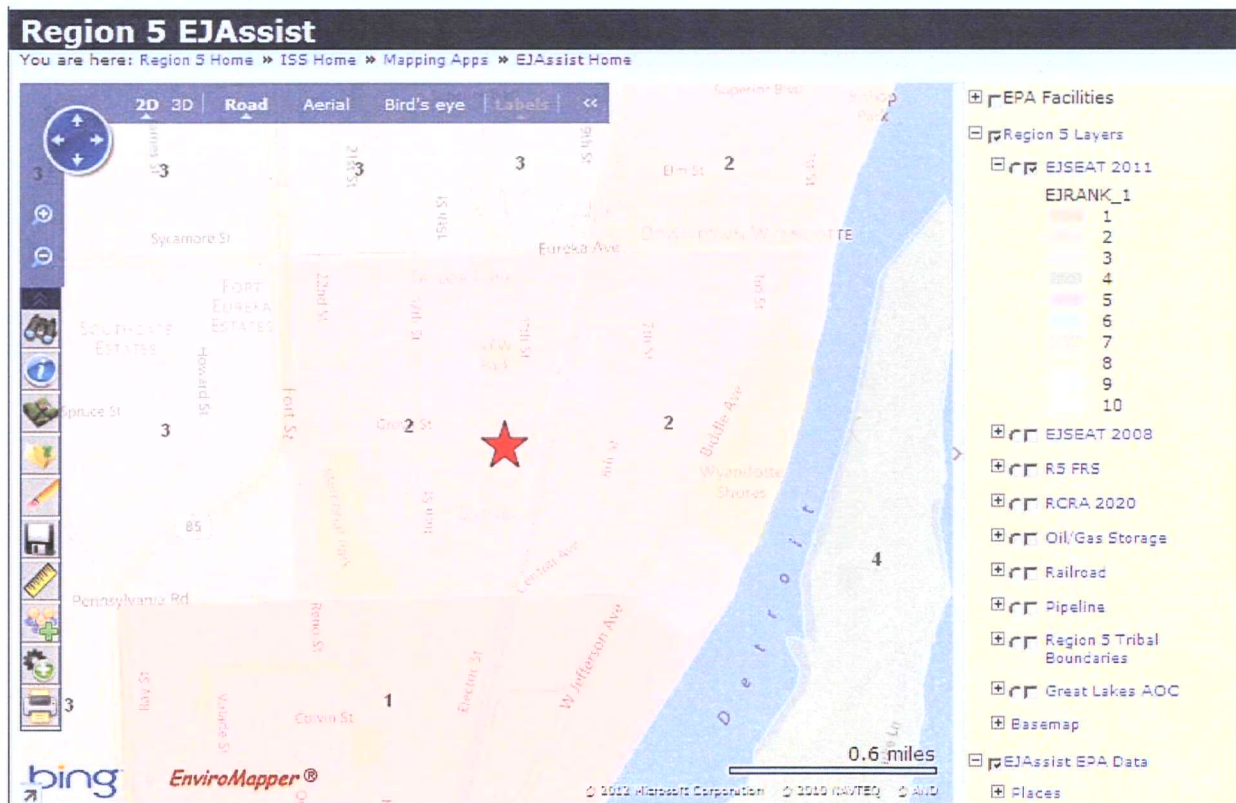
<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	01/12/12	Daniels, M., MDEQ	Addressees	Letter re: Violation Notice; Detroit Tubular Rivet, Inc. (DTR); Site Identification No.: MID005373774	6
2	01/20/12	Daniels, M., MDEQ	Kimble, J., U.S. EPA	E-mail Message re: MDEQ Request for Assistance at the Detroit Tubular Rivet Site (Forwarded Message)	
3	01/25/12	Keast, J., Detroit Tubular Rivet	Daniels, M., MDEQ	Letter re: Detroit Tubular Rivet Response to MDEQ Letter Dated January 12, 2012 (Forwarded Message)	2
4	02/27/12	Kelly, B., U.S. EPA	Daniels, M., MDEQ	Letter re: Request for MDEQ to Identify any ARARs for the Proposed Removal Action at the Detroit Tubular Rivet Site	1
5	02/28/12	Weston Solutions, Inc.	U.S. EPA	Site Assessment Report for the Detroit Tubular Rivet Site	50
6	00/00/00	Kelly, B., U.S. EPA		Action Memorandum: Detroit Tubular Rivet Site <b>(PENDING)</b>	

## ATTACHMENT 2

### EJ ANALYSIS FOR DTR SITE WYANDOTTE, MI APRIL 2012

The area surrounding the 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. This site is in a census tract with a score of 2. Therefore, Region 5 does consider this site to be a high-priority potential EJ area of concern. Please refer to the attached analysis for additional information.

Map Showing EJ SEAT Values For Surrounding Area





## ATTACHMENT 3

### INDEPENDENT GOVERNMENT COST ESTIMATE

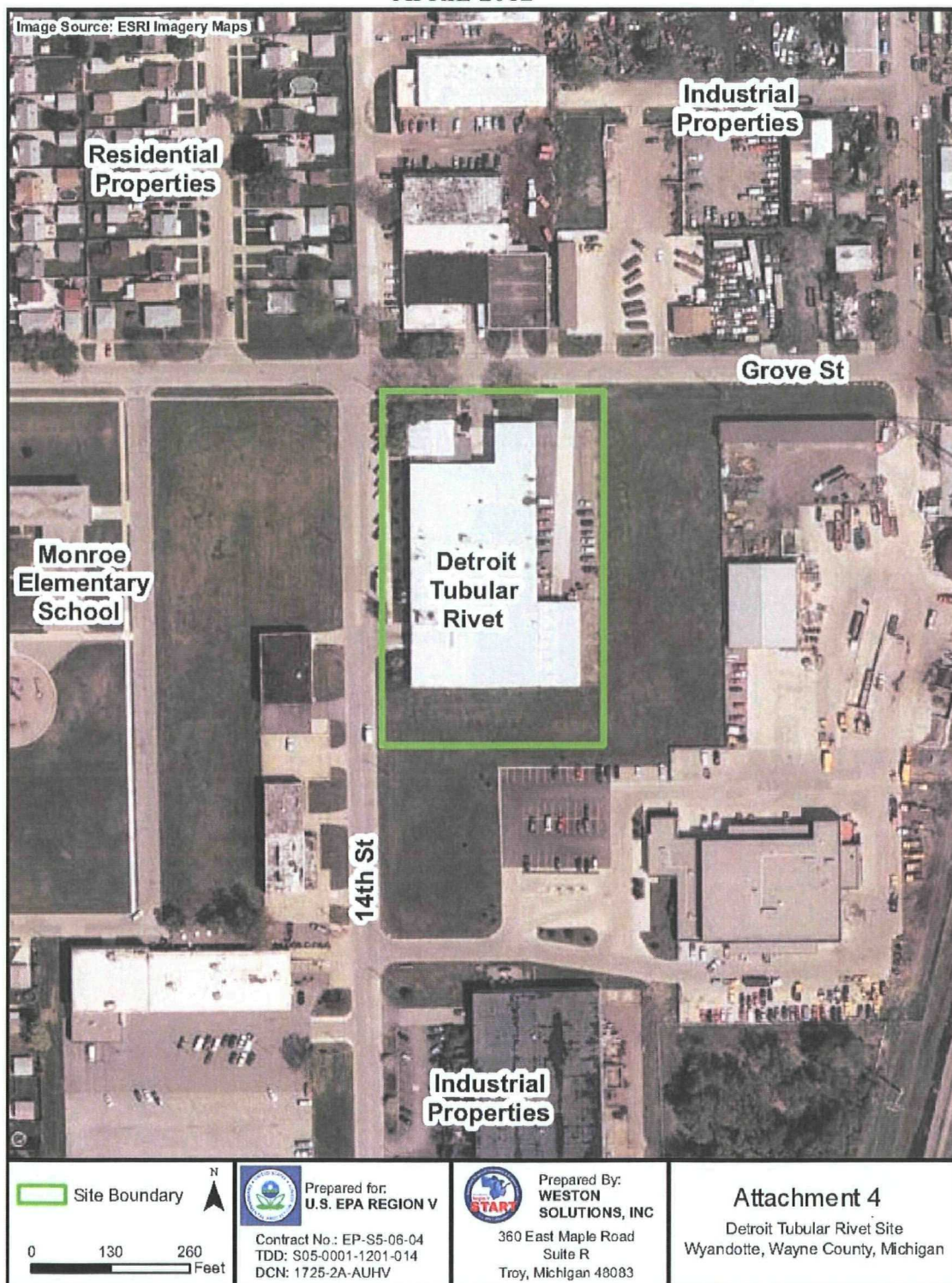
DETROIT TUBULAR RIVET SITE  
WYANDOTTE, WAYNE COUNTY, MICHIGAN  
APRIL 2012

(REDACTED 2 PAGES)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

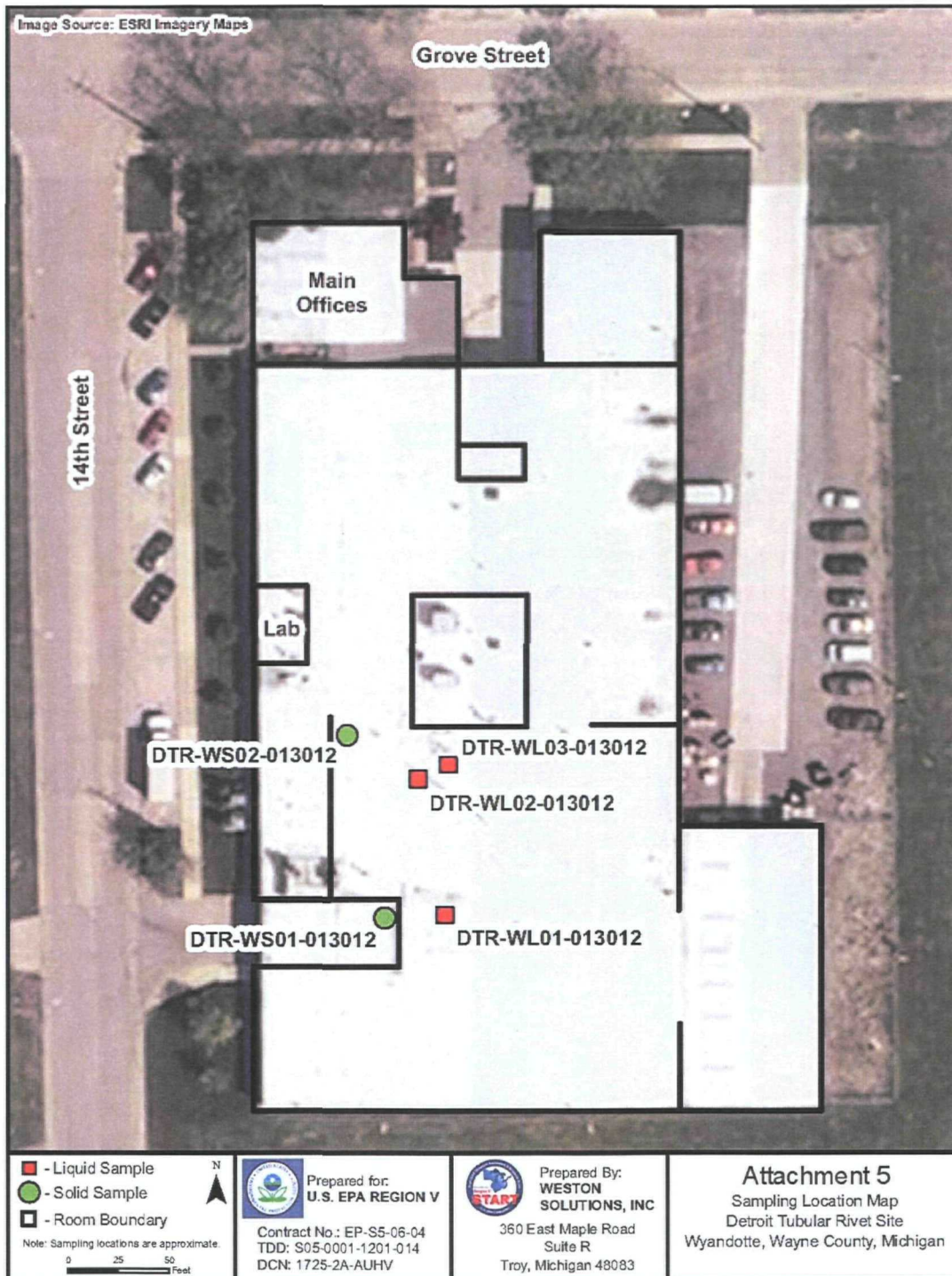
ATTACHMENT 4  
SITE LOCATION MAP

DTR SITE  
WYANDOTTE, MI  
APRIL 2012



ATTACHMENT 5  
SITE LAYOUT MAP

DTR SITE  
WYANDOTTE, MI  
APRIL 2012





ATTACHMENT 6  
DETAILED CLEANUP CONTRACTOR ESTIMATE

DTR SITE  
WYANDOTTE, MI  
APRIL 2012

Personnel & Equipment	\$ 149,750
Materials & Misc	\$ 19,550
Transportation and Disposal	\$ 64,000
TOTAL	\$ 233,300