



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER

61 FORSYTH STREET

ATLANTA, GEORGIA 30303-8960

SEP

7 2010

EMERGENCY ACTION MEMORANDUM

SUBJECT: Documentation of Verbal Ceiling Increase and Change of Scope for Response at the Liberty Fibers Site, Morristown, Hamblen County, Tennessee

FROM: Franklin E. Hill, Director
Superfund Division

TO: Site File

I. PURPOSE

The purpose of this Action Memorandum is to document a verbal ceiling increase provided by Franklin E. Hill, Director, Superfund Division on July 28, 2010, for the Liberty Fibers Site (the Site) located in Morristown, Hamblen County, Tennessee. The Site continues to pose a threat to public health and the environment that meets the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) section 300.415(b)(2) criteria for removal actions. Site activities were commenced under the attached Emergency Action Memorandum signed April 21, 2010. A ceiling increase is needed in order to continue activities at the Site and to further mitigate the threats to human health, welfare, and the environment. If approved, this ceiling increase will bring the total project ceiling to \$450,000, of which \$400,000 will be funded through the Region Removal Allowance.

II. SITE CONDITIONS AND BACKGROUND INFORMATION

CERCLIS ID: TNN000410507

Site ID: B457

Removal Category: Time-Critical Removal Action

A. Site Description

1. Removal Site Evaluation

A Removal Site Evaluation (RSE) was conducted during January 2010 which confirmed the presence of friable asbestos at several demolition and debris piles throughout the 350-acre Site. The On-Scene Coordinator (OSC) requested assistance from Region 4's Technical Service Section to evaluate the RSE data and draft a technical support document. Tim Fredericks drafted a Technical Data Review with Threat Recommendations Memo on April 22, 2010 to support the OSC's determination to activate an Emergency Response

action at the Site. The Threat Recommendations Memo is attached as an Addendum to this memo.

2. Physical Location and Site Characteristics

The Site is located at 1200 Enka Highway, Morristown, Tennessee (latitude N 36° 9' 22.1", longitude W -83° 12' 27.3"). The Site is located on a 350 acre parcel of the former BASF textile facility in Morristown. The facility was previously used by BASF to manufacture rayon and other synthetic fibers for the textile industry. During the late 1980's, BASF sold the facility to Lenzig Fibers which eventually transferred manufacturing to Liberty Fibers. Land use of the surrounding area is primarily industrial with a few homes located approximately one quarter mile north of the former rayon facility. The nearest stream is the French Broad River which is approximately one quarter mile to the south.

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

On Wednesday, April 21, 2010, the OSC met with Lowland Industries Mark Sawyer to discuss the fire event on Monday evening, April 19, 2010, and to serve Mr. Sawyer with a Notice of Federal Interest. The OSC explained that in order to minimize such future accidents that all recycling and demolition activities must cease and that EPA would begin containing and making arrangements to properly dispose of all friable asbestos on site.

The fire event was limited to an area approximately 100 by 150 feet along the southern perimeter of the site near two former neutralization pits associated with rayon and cellulose treatment. The fire was set during metal cutting operations and appeared to be accidental to the responding fire chief.

The vast majority of friable asbestos on site is centered around the former powerhouse and debris piles along the northern third (approx 100 acres) of the site. No known asbestos or asbestos containing debris piles were involved in the fire.

4. NPL Status

This Site is not currently on the National Priorities List (NPL). Plans to evaluate the Site for NPL consideration are being coordinated with TDEC's Superfund Division.

5. Maps, pictures and other graphical representations

Maps, pictures and other graphics will be made available upon request.

B. Other Actions to Date

An emergency removal action was approved on April 21, 2010 Action Memorandum. This action was initiated under the OSC's warranted \$200,000 authority. Response actions began on Thursday, April 22, 2010.

ERRS contractors (Environmental Restoration, Inc.) began mobing to the site on April 22, when the OSC met with the project manager. Initially ERRS was tasked to concentrate on safety related elements of the site including marking and temporarily covering known asbestos containing debris piles and stacked thermal cast insulation from steam piping. Several of the structures associated with the former rayon plant have been demolished. However, several of these structures have basement levels which were not readily visible especially when dressed out in Level C and presented a significant safety threat to clean up workers. ERRS was instructed to mark and fence off those basement containing structures.

In order to minimize the amount of friable asbestos migrating through out the site during warm, windy conditions, the OSC and ERRS contractors decided to fix the friable asbestos fibers in place by utilizing a "lock down agent". This agent is a low molecular weight polymer which can easily be sprayed over debris piles in order to lock friable asbestos in place, thus minimizing the amount of friable material which can become air borne. In addition, ERRS mobilized decontamination trailers and installed waterlines to the trailers in order to facilitate proper decontamination methods required during asbestos abatement clean ups.

C. State and Local Authorities' Roles

1. State and local actions to date

The OSC initially conducted a Level C "walk through" assessment with TDEC Superfund Coordinator Lee Barron and Region 4's Tim Fredericks in December 2009. At the time of this assessment, the OSC and Tim Fredericks determined that a Removal Site Evaluation was needed to further determine the extent of friable asbestos throughout the 350-acre site.

As stated above during the initial activation of emergency removal funding, local firefighters from Morristown responded to a fire at the Site on April 19, 2010. The responding captain of the fire fighting crew was aware of widespread asbestos contamination over the Site and also requested EPA's assistance with minimizing future incidents by maintaining a presence if warranted under an emergency action.

2. Potential for continued State/local response

TDEC will conduct a pre-remediation screening on the Site once EPA has completed its response actions.

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

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a Removal Action. Paragraphs (b)(2)(i) and (vii) directly apply to the Site: 300.415 (b)(2)(i)

- **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.**

During apparent recycling activities on April 19, 2010, a debris pile along the southern perimeter caught fire resulting in the Morristown Fire Dept responding. In order to minimize such future events, and to minimize the chance of asbestos exposure, the OSC elected to serve the owner with a Notice of Federal Interest in order to initiate site containment and mitigation measures. The site contains numerous construction debris piles with large quantities of friable asbestos.

Concurrent to the April 19, 2010 fire and recent activities on site, the OSC requested that Region 4 Technical Services Branch evaluate asbestos sampling conducted in January 2010 to determine if a threat to human health and the environment existed on site. A draft memo from Technical Services completed on April 22, 2010, indicates that such a threat does exist.

- **300.415 (b)(2)(vii): The availability of other appropriate Federal or State response mechanisms to respond to the release**

At this time, there are no state or local government mechanisms that are able to respond to this incident with the resources needed to assume the cleanup.

IV. ENDANGERMENT DETERMINATION

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

V. RESPONSE ACTIONS AND ESTIMATE COSTS

A. Response Actions

1. Action description

During the initial response in April 2010, site safety measures and stabilization was conducted to prevent further friable asbestos release and to secure the Site from public access. The additional funds will be used to complete the actions listed in the April 21, 2010 Action Memorandum and to complete the following additional actions:

- Remobilize personnel and equipment to the Site;
- Continue to provide Site security during non-working hours;
- Evaluate site access roads from the other 650 acres adjoining BASF parcel and secure those roads from site entry by unauthorized personnel;
- Continue to apply "lock down agent" as necessary to the above mentioned debris piles;
- Begin evaluating an approved asbestos landfill area adjacent to the site and perform removal cost analysis to identify the most effective means to properly dispose of the friable asbestos on site;
- Continue decontamination protocols necessary on all asbestos abatements;
- Perform any additional site characterization and site stabilization activities necessary to prevent migration of contaminated material;
- Restore areas disturbed by the removal action to their pre-removal state to the maximum extent practicable.

2. Contribution to remedial performance

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

3. Applicable or relevant appropriate requirements (ARARs)

On site removal actions conducted under CERCLA are required to attain ARARs to the extent practicable, considering the exigencies of the situation. Off-Site removal activities need only comply with all applicable federal and state laws, unless there is an emergency. ERRB sent a letter to TDEC asking them to identify any State ARARs that they want EPA to consider during this removal action.

4. Project Schedule

Response actions at the Site will continue to be implemented at this site. Foregoing any unexpected delays, all actions are expected to be complete within the next three months.

B. Estimated Costs

	Current Ceiling	Proposed Increase	Proposed Ceiling
<u>Extramural Costs:</u>			
Regional Allowance Costs:			
ERRS	200,000	200,000	400,000
Non-Regional Allowance Costs:			
START	30,000	0	30,000
<u>Subtotal, Extramural Costs:</u>	230,000	200,000	430,000
20% Contingency:	20,000	0	20,000
TOTAL EXTRAMURAL COSTS:	250,000	200,000	450,000
TOTAL SITE CEILING:	250,000	200,000	450,000

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

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

VII. **OUTSTANDING POLICY ISSUES**

No outstanding policy issues have been determined at this time.

VIII. **ENFORCEMENT**

Enforcement activities have been initiated and are ongoing. EPA Region 4 RCRA Section has several outstanding actions against the current responsible party. It is expected that this site will be conducted as a fund-lead removal action. See Attachment, "Enforcement Addendum," for more detailed information.

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 \$662,722 using the following formula: (Total Extramural Costs + Total Intramural Costs) + (45.26% x (Total Extramural Costs + Total Intramural Costs)) or (\$430,000+\$20,000) + (45.26% x (\$430,000+\$20,000)) = \$662,722¹.

Attachments (2)

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.