

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
\$250,000 EMERGENCY ACTION MEMORANDUM**

**Date:** April 21, 2010

**Subject:** **NOTIFICATION OF \$250,000 ACTIVATION**  
Liberty Fibers Site  
Morristown, Hamblen County, Tennessee

**To:** Regional Response Center, 4SF-ERRB  
NCDENR  
Lisa Boynton, EPA-HQ, Regional Coordinator  
Site File

**From:** Perry Gaughan, On-Scene Coordinator  
U.S. EPA Region 4

<b>Site No:</b> B457	<b>Task Order No:</b> 0703-F4-0046
<b>ERNS No:</b> None	<b>TO Amount:</b> \$200,000
<b>NPL Status:</b> TBD	<b>Contractor:</b> Environmental Restoration Inc.
<b>CERCLIS No:</b> NA	<b>Response Authority:</b> CERCLA
<b>State Notification:</b> 04/21/10	<b>Start Date:</b> 04/21/10
<b>Demobilization Date:</b> TBD	<b>Completion Date:</b> TBD

## **I. INTRODUCTION**

The On Scene Coordinator has determined that an Emergency Activation of Removal Funding is required to mitigate an immediate and on-going human health threat at the former Liberty Fibers Site in Morristown, Tennessee. The primary threat to human health is the presence of friable asbestos as a result of demolition activities on site by the current site owner, Lowland Recycling and Industries. The owner of Lowland Industries, Mark Sawyer was informed of the OSC's decision through a Notice of Federal Interest on Wednesday morning April 21<sup>st</sup>, 2010.

On the evening of April 19<sup>th</sup>, 2010 a fire occurred on site during apparent metal cutting operations by one of Lowland's employees. The site was being evaluated by EPA Region 4 Technical Services for friable asbestos and EPA had determined that there was sufficient assessment evidence indicating that friable asbestos was found in several debris piles throughout the site. This determination combined with the necessity of local Morristown Fire Department response to the fire event, resulted in the OSC's determination to activate emergency funding to secure the site from future recycling activities to minimize the threat to on site employees as well as local residents.

OSC Gaughan determined that conditions at the Site meet criteria listed under 40 CFR 300.415 for initiation of an emergency removal action.

Pursuant to EPA Region 4 Delegation 14-2. Response, authority to obligate CERCLA funding in the amount of \$250,000 to initiate Removal Actions where site conditions constitute an emergency has been delegated to the OSC. OSC Perry Gaughan has approved the use of CERCLA funding to mitigate the threat to public health or welfare, or the environment at the Liberty Fibers Site.

## **II. DESCRIPTION OF SITE**

The Liberty Fibers Site is a former 350 acre rayon production facility previously operated by BASF until the mid 1990's. Since the mid 1990's, this facility operated as Lenzig Fibers and as Liberty Fibers until declaring bankruptcy. The facility was then purchased by Lowland Industries which operated a metal recycling business on site. During this period, several production buildings were demolished resulting in numerous debris piles containing friable asbestos.

The geographic coordinates of the Site are xx<sup>o</sup> 26' 17.6" N Latitude and -zz<sup>o</sup> 14' 27.5" W Longitude.

## **III. CURRENT ACTIVITIES**

Based upon the amount of friable asbestos present on this site, EPA and START and ERRS contractors have been activated to stabilize conditions at the Site. Emergency removal activities include, but are not limited to, the following:

- A. Establish a perimeter around the 350 acre site to delineate the large asbestos containing debris piles from other adjacent 650 acres of former BASF property.
- B. Establish a "hot zone and decontamination zone" to include a decon trailer and run a fixed water supply to the decon trailer from a local water line.
- C. Research and begin taking measures to contain the friable asbestos in several debris piles on site.
- D. Several areas of this former rayon production plant contain subflooring and sewer systems presumably for cooling and treatment water. Several of this areas are not clearly marked and open manholes exist throughout the site. EPA has instructed ERRs contractors to mark all subsurface and manholes which are a potential safety threat to personnel working in the area. .

#### IV. THREAT

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 19th, 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 19th fire and recent activities on site, the OSC requested that Region 4 Technical Services Branch evaluate asbestos sampling conducted in Jan 2010 to determine if a threat to human health and the environment existed on site. A draft memo from Technical Services completed on April 21st 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.

#### V. SCOPE OF WORK AND PROJECT CEILING

With the emergency funding, the OSC will perform the following scope of work:

- A. Establish a perimeter around the 350 acre site to delineate the large asbestos containing debris piles from other adjacent 650 acres of former BASF property.
- B. Establish a "hot zone and decontamination zone" to include a decon trailer and run a fixed water supply to the decon trailer from a local water line.
- C. Research and begin taking measures to contain the friable asbestos in several debris piles on site.
- D. Several areas of this former rayon production plant contain subflooring and sewer systems presumably for cooling and treatment water. Several of these areas are not clearly marked and open manholes exist throughout the site. EPA has instructed ERRs contractors to mark all subsurface and manholes which are a potential safety threat to personnel working in the area.

The authorized budget for this Emergency Removal Action is:

ERRS	\$ 200,000
START	30,000
Contingency	<u>\$ 20,000</u>
TOTAL:	\$250,000 <sup>1</sup>

## V. OSC ACTION

On Wednesday, April 21st, the OSC met with Lowland Industries Mark Sawyer to discuss the fire event on Monday evening 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 accidentally 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. However, Start contractors continue to evaluate and sample the involved area for asbestos.

Errs contractors began mobing to the site on Wednesday afternoon and the OSC met with the project manager. Initially Errs were 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 are not readily visible especially when dressed out in Level C and present a significant safety threat to clean up workers. Errs were instructed to mark and fence off those basement containing structures.

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<sup>1</sup>*Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on 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.*

On April 21<sup>st</sup>, 2010, the OSC determined that a release or threat of a release of hazardous substances exists at the Site. The OSC authorized funding to initiate an Emergency Removal Action to mitigate the threat to human health or welfare or the environment. This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and not inconsistent with the National Contingency Plan. This decision is based on the administrative record for the site.

Conditions at the site meet the NCP section 300.415(b)(2) criteria for a removal and through this document, I am approving the proposed removal actions. The total project ceiling is \$250,000.

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Perry Gaughan, OSC  
Emergency Response and Removal Branch  
U.S. EPA, Region 4