



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8EPR-ER

AUG 9 2013

ACTION MEMORANDUM

SUBJECT: Approval and Funding for a Removal Action for the Blackfeet Asbestos, TCE and Lead-based Paint Project Site, Browning, Glacier County, Montana (with attachments)

FROM: Curtis Kimbel
Federal On-Scene Coordinator *J. Williams for*

THRU: Laura Williams, Unit Leader
Emergency Response *J. Williams*

TO: David Ostrander, Director
Emergency Response & Preparedness Program

Site ID # A894

I. Purpose

The purpose of this Action Memorandum is to request and document approval for a removal action described herein for the Blackfeet Asbestos, TCE and Lead-based Paint Project Site (Site), located on the Blackfeet Indian Reservation primarily in Browning, Glacier County, Montana. This time-critical removal action involves the cleanup, treatment and disposal of lead-contaminated paint-debris and the removal and disposal of asbestos and limited amounts of trichloroethylene (TCE). Conditions existing at the Site present a threat to public health and the environment and meet the criteria for initiating a removal action under 40 CFR 300.415(b) of the National Contingency Plan (NCP).

The removal action involves the demolition and proper disposal of approximately 12 -15 abandoned buildings known to contain asbestos and/or lead-based paint, mold and Hantavirus and an additional building under which is known TCE contamination. The buildings are generally structurally unsound with insulation, roofing and floor materials released at the Site in curtilage. The buildings were identified by the Region 8 Brownfields Program and the Blackfeet Tribe's Environmental Protection Program as safety concerns and suspected sources of asbestos and lead-based paint exposure to nearby residents. Additional buildings identified by the Tribe to contain asbestos and lead-based paint may be demolished and properly disposed if funding allows.

The removal action will require less than 12 months and \$2 million to complete. This removal action is considered nationally significant or precedent-setting because it involves asbestos as the principal contaminant of concern and is occurring on Tribal Trust Land.

II. Site Conditions and Background

Site Name:	Blackfeet Asbestos, TCE and Lead-based Paint Project Site
Category of Removal:	Time-Critical Removal Action
Superfund Site ID (SSID):	A894
NRC Case Number:	NA
CERCLIS Number:	MTN000803085
Site Location:	Blackfeet Indian Reservation, Montana
Lat/Long:	48°55'69.17" N 113°01'34.17" W
NPL Status:	Not an NPL site, not planned for future NPL listing
Removal Start Date:	Estimated July 2013

A. Site Description

1. Removal Site Evaluation

Between 2005 and 2012, the Blackfeet Tribe's Environmental Protection Program completed environmental assessments and field inspections of approximately 12 – 15 buildings located on the Blackfeet Indian Reservation. In general, the buildings were determined to be unsecured, abandoned, structurally unsound and unsafe. Several of the buildings contained trash that was improperly disposed of or abandoned containers with unknown contents. According to the Blackfeet Tribe's field inspections, a large number of homeless individuals live in the abandoned buildings due to the closure of the Blackfeet Reservation's Medicine Bear Homeless Shelter, which contained friable asbestos, lead paint, hantavirus, mold and methamphetamine manufacturing contamination. In addition to the homeless, children play in the abandoned buildings, tearing out insulation and further releasing debris into the environment. The Tribe hired Smart Consulting and Maxim Technologies to complete Phase I and Phase II environmental assessments for several of the properties. In addition, the Tribe hired Earthtech Environmental to perform pre-demolition asbestos surveys of several additional properties. Complete field inspection reports are in the administrative record.

In August 2012 the Blackfeet Tribe's Environmental Protection Program requested that OSC Kimbel visit the reservation to view the abandoned buildings and review the field inspection reports. All the buildings in question are known to contain asbestos and, nearly all, also contain lead paint, mold and Hantavirus. One building is known to have TCE contamination which leaked from an abandoned underground tank. In November 2012 the Blackfeet Tribe formally requested assistance from the EPA Emergency Response Unit in demolishing the Medicine Bear Homeless Shelter and several additional abandoned buildings and properly disposing of the potential asbestos, lead, and TCE contaminated materials, abandoned trash, and unknown containers. Given the hazards present at the Site and the proximity to community

residences and children, EPA will conduct a time-critical removal action at the Site utilizing EPA's emergency response contractors.

The area is primarily residential and light commercial.

2. Physical Location

The Site is located at least 2 hours from a major city on the relatively remote Blackfoot Indian Reservation in northern Montana (Figure 1). The Blackfoot Indian Reservation is approximately 3,000 square miles.

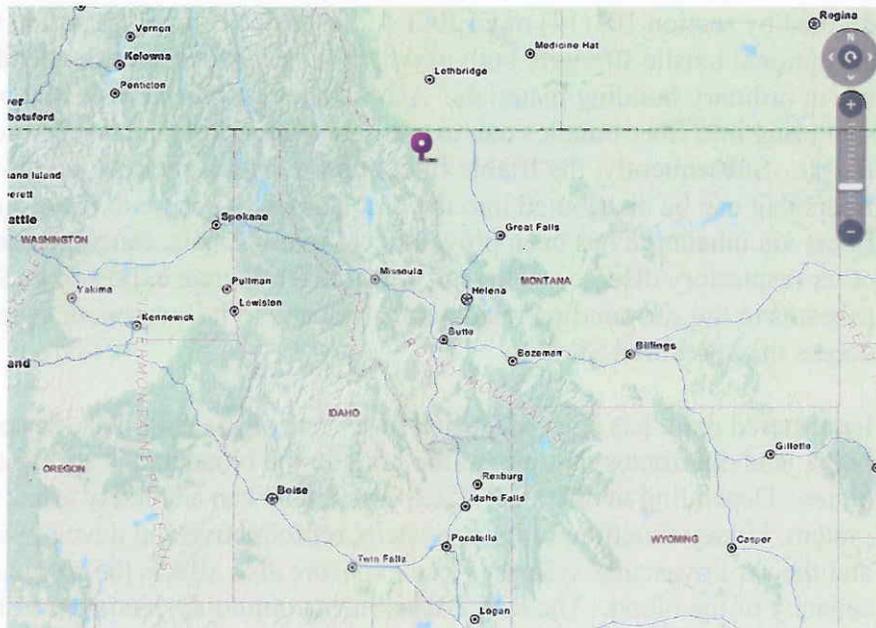


Figure 1: Blackfoot Reservation, Browning, Montana

3. Site Characteristics

The population of the reservation is estimated to be 10,405 (U.S Census, 2010). The approximately 12 - 15 abandoned buildings include both residential and large commercial properties, many of which are multiple story buildings, and are dispersed throughout the reservation. Many of the buildings are located within or near the town of Browning, adjacent to roads and/or residential areas providing ready accessibility to the homeless, children and vandals. Browning is the largest community within the reservation.

Climate contributes to the spread of debris from the abandoned buildings. Wind blows consistently throughout the year with an average annual wind speed of approximately 12 miles per hour in Browning, Montana.

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

The known contaminants of concern at the Site are asbestos, lead, and TCE, all of which are listed as hazardous substances under section 101(14) of CERCLA. There are also an unknown number of abandoned containers that may contain hazardous substances and/or pollutants or contaminants. EPA is responding to the risk to public health and welfare and the environment that is presented by the significant threat that hazardous substances, including asbestos, lead based paint and TCE, will be released outside the buildings.

Asbestos is a solid mineral with a variety of forms including that which is found at the site, chrysotile. Asbestos, including chrysotile, is a hazardous substance as defined by section 101(14) of CERCLA. Asbestos is highly resistant to heat and has exceptional tensile strength, both of which are characteristics that lend themselves to use in ordinary building materials. Asbestos tends to become brittle over time, shattering into fiber bundles due to age and weathering, and is referred to as being friable. Subsequently, the friable fiber bundles can further degrade into microscopic fibers that can be distributed into the air. Human exposure to these airborne asbestos fibers via inhalation has been proven to cause asbestosis, cancer, mesothelioma, and other respiratory diseases. There is potential for human exposure to Site-related asbestos in the surrounding residential areas and to trespassers or other persons who access the unsecured Site.

Lead-based paint has been identified in several of the buildings. Once taken into the body, lead distributes throughout the body in the blood and is accumulated in the bones. Depending on the level of exposure, lead can adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system. Lead exposure also affects the oxygen carrying capacity of the blood. The lead effects most commonly encountered in current populations are neurological effects in children and cardiovascular effects (e.g., high blood pressure and heart disease) in adults. Infants and young children are especially sensitive to even low levels of lead, which may contribute to behavioral problems, learning deficits and lowered IQ.

5. NPL Status

This Site is not on the NPL, nor is it currently proposed for inclusion on the NPL.

6. Maps, Pictures and other Graphic Representations

Photographs of some of the buildings and more detailed maps are included in the administrative record.

B. Other Actions to Date

1. Previous Actions

No removal activities have been taken by the federal or tribal governments at these

abandoned properties.

2. Removal Actions

The Blackfoot Tribe's Environmental Protection Program provided EPA with field inspection reports of approximately 12 abandoned properties. The Blackfoot Tribe will ensure access agreements and permission are obtained for all properties identified for demolition.

C. State and Local Authorities' Roles

1. State and Local Actions to Date

The Blackfoot Environmental Protection Program identified the problem and requested assistance from EPA Region 8's Emergency Response program in November 2012. EPA notified the state of Montana (Deb Grimm 406-444-2960) of the proposed action. Per the State's request, the asbestos debris will be disposed of in the city of Shelby Landfill. Any TCE contaminated soil will be treated on Site and returned to its original location. Lead based paint contaminated debris can be disposed of in a municipal landfill in compliance with the off-site rule 40 CFR section 300.440.

2. Potential for Continued State/Local Response

State and local entities do not have the resources or authority to conduct this removal action and are involved in a consultation role only. The Tribe does not have the funds to independently conduct this removal action.

III. Threats to Public Health or Welfare or the Environment and Statutory and Regulatory Authorities

The removal action will address the release or threat of release of hazardous substances, pollutants and contaminants at the Site. Conditions existing at the Site present a threat to public health or welfare and meet the criteria for initiating a removal action under Section 300.415(b) of the NCP.

All of the materials contaminated with hazardous substances have been left unsecured at the abandoned buildings within the Site. The contaminated materials have been abandoned; this constitutes a release of hazardous substances at the Site. Homeless individuals and children are living/playing within the abandoned buildings, coming into contact with the contaminated materials, and further spreading contamination and debris.

EPA has considered all the factors described in §300.415(b)(2) of the NCP and determined that the following factors apply at the Site.

- (i) *Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants;*

The abandoned buildings pose a direct threat to public health and welfare; they are rapidly deteriorating. Homeless individuals are living in the buildings and children are playing within them. The buildings are unsecured, generally unstable, with lead and asbestos contaminated materials spreading to the environment either by wind or human-interference.

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

The field inspection reports have identified TCE under one building and unknown containers distributed throughout several buildings. These containers may contain hazardous substances or pollutants or contaminants that have been abandoned and pose a substantial threat of release to the environment.

- (iv) *High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate;*

Debris suspected of containing asbestos from abandoned buildings at the Site, including insulation, roofing and floor materials, is strewn across the surrounding curtilage.

- (v) *Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;*

The Blackfeet Tribe's Environmental Protection Program found that wind blows contaminated debris from the abandoned buildings onto adjacent roads and onto adjacent properties.

- (vii) *The availability of other appropriate federal or state response mechanisms to respond to the release;*

The abandoned buildings have been left unsecured in urban, semi-urban and rural areas. No other local, tribal or federal agency is in the position or has the resources to independently implement a timely, effective response action to address the ongoing threat presented by the Site.

IV. Proposed Actions and Estimated Costs

A. Proposed Actions

1. Proposed Action Description

Once the Tribe secures the necessary access and permission forms, EPA will demolish and properly dispose of the abandoned buildings known to contain asbestos and/or lead-contaminated paint debris. EPA will properly dispose of the materials within a cell at the Blackfeet landfill.

The planned Removal Action will be conducted in six phases: (1) equipment and personnel mobilization, (2) preparation of a separate area within the existing cell at

the local Blackfeet landfill to dispose the contaminated waste, (3) demolition of the abandoned buildings, (4) transfer of the contaminated waste to the landfill for proper containment and disposal, (5) backfill and appropriately cover the excavated areas for final closure in accordance with Asbestos Waste Guidance EPA/530-SW-85-007, and (6) properly grade and vegetate the area. The Tribe has been notified and has agreed to the disposal and to future maintenance of the cell. Upon completion of the Removal Action, EPA will provide the Tribe with a map identifying the boundaries of the area within the landfill containing the asbestos and/or lead-contaminated paint debris.

Any hazardous material found will be shipped to a hazardous waste disposal site via a Montana approved hazardous waste transportation company under the guidance of MTDEQ Waste Disposal Transportation led by Brady Christiansen (406-444-1435). See *A Superfund Guide to RCRA Hazardous Wastes*, Publication 9345.3-04FS, October 1992. TCE contaminated soil excavated during the removal action will be treated with permanganate on-site and returned to the area from which it originated.

2. Contribution to Remedial Performance

It is anticipated that the removal action will be the final response for this Site.

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

EPA has determined that a time-critical removal action is warranted; therefore, an EE/CA is not appropriate for this Site.

4. Applicable or Relevant and Appropriate Requirements (ARARs):

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable (See Attachment 1). In determining whether compliance with ARARs is practicable, EPA may consider appropriate factors including the urgency of the situation and the scope of the removal action to be conducted.

5. Project Schedule:

The removal action is anticipated to begin in July 2013. All removal activities should be completed by September 15, 2013.

B. Estimated Costs*

Contractor costs	\$639,000
Other Extramural Costs	
Contingency Costs	\$224,000
Total Removal Project Ceiling	\$863,000

*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. "

V. Expected Change in the Situation Should Action Be Delayed or Not Taken

A delay in action or no action at this Site would increase the actual or potential threats to public health and/or the environment.

VI. Outstanding Policy Issues

Removals involving contamination that may affect other sovereign nations, including Indian Tribes, and those involving asbestos as a principal contaminant are two of seven categories designated as nationally significant or precedent-setting (NSPS). Specific procedures are required for requesting Headquarters concurrence on these actions.

According to EPA's Superfund Removal Guidance for Preparing Action Memoranda, September 2009, removals involving asbestos, when it is the principal contaminant of concern, require Headquarters concurrence because action levels for response have not yet been set and these determinations are being made on a case-by-case basis (OSWER 9345.4-05).

VII. Enforcement

A separate Enforcement Addendum provides a confidential summary of current and potential future enforcement actions.

VIII. Recommendation

This decision document represents the selected removal action for the Blackfeet Asbestos, TCE and Lead-based Paint Project Site in Glacier County, Montana, developed in accordance with CERCLA, as amended, and is 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) criteria for a removal action and, I recommend your approval of the proposed removal action. The total project ceiling, if approved, will be \$863,000; this amount will be funded from the Regional removal allowance.

APPROVE:  8/9/13 Date
David A. Ostrander, Director
Emergency Response and Preparedness Program

DISAPPROVE: _____ Date
David A. Ostrander, Director
Emergency Response and Preparedness Program

Attachments: 1 – ARAR Table

Attachment 1

ARAR Table: This table contains a listing of potential Federal, State and Tribal ARARs for the Blackfeet Asbestos, TCE and Lead-based Paint Project Site.

Standard, Requirement, Criteria or Limitation	Citation	Description	Applicable or Relevant and Appropriate	Comments
FEDERAL				
National Emissions Standards for Hazardous Air Pollutants (NESHAP), National Emission Standards for Asbestos	40 CFR Part 61 Subpart M	Addresses demolition and disposal of asbestos contaminated materials.	Applicable - asbestos material is friable and contains >1% asbestos and therefore qualifies as regulated asbestos containing material (RACM)	Best Management Practices will be implemented to comply with the requirements of NESHAP and protect public health. These will include keeping asbestos-contaminated debris adequately wet until disposed of as ACM, and proper transportation and disposal.
Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C)	40 CFR Part 262, 263, 264	Regulates the generation, transportation and disposal of hazardous waste.	TBC(debris will be disposed of on-site and must comply with all requirements)	RCRA Subtitle C specifically regulates hazardous waste and is applicable to the debris generated by the Blackfeet Site.