



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BLVD
CHICAGO, IL 60604

MEMORANDUM

Subject: Request for Approval of a Time-Critical Removal Action at the Tamarack Stamp Mill Site, Tamarack City, Osceola Township, Houghton County, Michigan 49934 (Site ID # C5V2)

From: Brian M. Kelly, On-Scene Coordinator
Emergency Response Branch 1
Emergency Response Section 2

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

To: Richard C. Karl, Director
Superfund Division

I. PURPOSE

This Action Memorandum is to request and document your approval to expend up to \$398,130 to conduct a time-critical removal action at the vacant Tamarack Stamp Mill Site (TSM Site), Tamarack City, Osceola Township, Houghton County, Michigan 49934. The TSM Site is a former stamp mill that has been abandoned since at least 1978. The main mill building was torn down in 1975, and remaining concrete structures were subsequently dynamited for demolition and scrapping circa 1978 - 1983. Samples collected from debris piles at the site contain as high as 15% chrysotile asbestos. The debris piles containing asbestos are outdoors and within 100 feet of the Tamarack City Park. The proposed time-critical removal action will mitigate the threats from asbestos by securing, sampling, and arranging for disposal or covering of asbestos debris left from the demolition.

This Action Memorandum would serve as approval for expenditures by EPA, as the lead technical agency, to take the actions described herein to abate the imminent and substantial endangerment posed by hazardous substances at the TSM Site. The proposed removal of hazardous substances would be taken pursuant to 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 C.F.R. § 300.415.

Removals involving asbestos, when it is the principal contaminant of concern, have been designated as nationally significant. The site is not on the National Priorities List.

II. SITE CONDITIONS AND BACKGROUND

Name: Tamarack Stamp Mill
Superfund Site ID (SSID): C5V2
CERCLIS ID: MIN000510933
Site Location: M26 & 6th Street, Osceola Township, Michigan 49934
Lat/Long: 47.168597 -88.435010
RCRA ID: N/A
State ID: None
Potentially Responsible Party (PRP): Superior Craft
NPL Status: Non NPL
Project Schedule: 21 working days
Category: CERCLA Time-Critical

A. Site Description

1. Removal site evaluation

On May 21, 2013, the Michigan Department of Environmental Quality (MDEQ) collected three samples at the TSM Site. All three sample results showed asbestos.

On June 6, 2013, MDEQ requested EPA assistance in addressing asbestos at the TSM Site. The site is described in the referral as unrestricted and next to a playground.

On August 5 and September 10, 2013, EPA conducted a site assessment. Samples collected by EPA showed 6 of 12 sample locations at the TSM Site contained 5-15% chrysotile asbestos. The assessment confirmed that the site was unrestricted, and that asbestos debris was outdoors and in close proximity to a public park.

2. Physical location

The TSM Site is located in section 13 of Osceola Township, Township 55 North and Range 33 West, at the intersection of M-26 and 6th Street, Osceola Township, Michigan 49934. Lat/Long: 47.168597 -88.435010. The site is bounded by Highway M-26 to the north/northwest, a park to the west/southwest, Spruce Road to the south and east, and Sixth Street to the northeast, and is surrounded by residential property. Torch Lake is located to the southeast and east of the site.

The current owner of the TSM Site is Osceola Township. The former owner is Superior Crafts, Inc.

An Environmental Justice (EJ) analysis for the TSM Site was conducted. Screening of the surrounding area used Region 5's EJ Screen Tool [which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)]. Region 5 has reviewed environmental and demographic data for the area surrounding the site, and has determined there is a low potential for EJ concerns at this location.

3. Site Characteristics

The Tamarack Stamp Mill, known previously as the Ahmeek Mining Company Stamp Mill, or Ahmeek Regrind, was used for the processing of copper-containing ores from approximately 1906 to 1968. The Ahmeek Mining Company installed eight steam-powered stamp units on top of large concrete foundations. The stamp units were used to extract copper ore from mine rock. Additionally, chemicals may have been used to assist with the process of separating the copper from the mine rock.

The main mill building reportedly was torn down in 1975 by Ishpeming Steel Company. The remaining largely concrete structures and foundations were razed by dynamiting by Superior Crafts in 1978 and into the early 1980s. Remnants of the former copper stamping mill, including concrete foundations and structures, and demolition debris remain at the TSM Site.

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

The presence of a hazardous substance at the TSM Site has been documented by analysis of samples from debris piles at the site (samples D1-2, D2-1, D3-1, D4-2, P1, P4). Six samples taken during the EPA site assessment tested positive for chrysotile asbestos. Asbestos is defined as a hazardous substance by 40 C.F.R. § 302.4. There is an estimated 2,000 cubic yards of debris contaminated with asbestos at the site. The asbestos debris is open to the environment. Residential homes and a public park are immediately adjacent to the site.

5. NPL status

From 1996 until 2004, the TSM Site was part of the Hubbell/Tamarack City parcel of Operating Unit I (OU I) of Torch Lake National Priority Listing Site. The Torch Lake remedial actions addressed contaminated stamp sands and slag piles contributing to site-specific ecological risks associated with historic copper mining throughout the Torch Lake area. OU I included surface tailings, drums and slag piles on the western shore of Torch Lake. Remedial activities in OU I included locating and removing drums of hazardous waste from the lake, covering slag piles and stamp sands with clean soils, and stabilizing portions of the lakeshore. Approximately 140 acres of stamp sand deposits were covered and seeded in the Hubbell/Tamarack City parcel. See <http://www.epa.gov/region05/cleanup/torchlake/index.htm>

On January 29, 2004, EPA determined that the remedial responses had been completed in the Hubbell/Tamarack City parcel, and the parcel, including the TSM Site, was deleted from the Torch Lake NPL, effective March 29, 2004. 69 Fed. Reg. 4249-4253 (2004). Although the TSM Site was sampled as part of the Torch Lake remedial action, no remedial work was performed at

the site, apparently because it was not contaminated with slag or stamp sand. It does not appear that the site was sampled for asbestos, probably because asbestos was not a pollutant of concern in the remedial action. See <http://www.epa.gov/region05/cleanup/torchlake/delisting.htm>

6. Maps, pictures and other graphic representations

Attachments 4 and 5 show the location of the TSM Site and photos of the debris.

B. Other Actions to Date

1. Previous actions

On May 21, 2013, MDEQ collected three samples at the TSM Site. All three sample results showed asbestos present.

2. Current actions

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

State and Local Authorities' Roles

1. State and local actions to date

MDEQ has requested EPA assistance in cleanup of the site.

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 at the TSM Site.

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

The conditions remaining at the TSM Site present a substantial threat to the public health or welfare, and the environment, and meet the criteria for a time-critical removal action, pursuant to the NCP at 40 C.F.R. § 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.

Samples collected from the demolition debris at the TSM Site documented that friable Chrysotile asbestos is present. With the debris piles exposed to the wind and rain, and with no site fencing to prevent trespassing, an exposure route exists for the residential homes and public park located immediately adjacent to the site. Airborne asbestos fibers near the residential and playground area may result in a potential human health risk through the inhalation pathway.

According to the Agency for Toxic Substance and Disease Registry, significant exposure to any type of asbestos will increase the risk of lung cancer, mesothelioma, and nonmalignant lung and pleural disorders, including asbestosis, pleural plaques, pleural thickening, and pleural effusions.

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

The asbestos debris piles are outside at the TSM Site, exposed to the wind and rain. Without removal or covering of the piles, wind may cause hazardous substances to be released to the environment and threaten public health.

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 conditions at the TSM Site, 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 the 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 the TSM 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 to protect workers during the cleanup;
- b) Work with the National Park Service on preservation of historical artifacts to the extent practicable;
- c) Develop and implement a work plan to remove for offsite disposal or cover the estimated 2,000 cubic yards of asbestos containing debris at the site;

- d) Limit public access to the site;
- e) Conduct personal and perimeter air monitoring during the cleanup; and
- f) Ensure that all hazardous substances, pollutants or contaminants sent off-site are treated, stored, and/or disposed of in accordance 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 On-Scene Coordinator (OSC) has initiated planning for provisions of post-removal site control consistent with the provisions of 40 C.F.R. § 300.415(I). A remedy involving covering of the asbestos at the site will require the township to institute post-removal site controls. An agreement to implement the post-removal site control will be in place before a removal action is initiated.

2. Contribution to remedial performance

The proposed removal action at the TSM Site 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 October 25, 2013, a letter was sent to Amy Keranen of the MDEQ requesting applicable Michigan ARARs.

Federal

Programmatic Agreement on Protection of Historic Properties during Emergency Response under the National Oil and Hazardous Substances Pollution Contingency Plan

5. Project Schedule

The project will require approximately 21 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. The estimated costs are summarized below:

B. Estimated Costs

REMOVAL ACTION PROJECT CEILING ESTIMATE (See Attachment 3)	
<u>Extramural Costs:</u>	
<u>Regional Removal Allowance Costs:</u>	
Cleanup Contractor Costs	\$295,926
<u>Other Extramural Costs Not Funded from the Regional Allowance:</u>	
Total START, including multiplier costs	\$ 35,849
Subtotal	\$331,775
Costs Contingency (20% of Subtotal)	\$ 66,355
TOTAL REMOVAL ACTION PROJECT CEILING	\$398,130

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

Given the conditions at the TSM Site, 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 memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

VII. OUTSTANDING POLICY ISSUES

Asbestos is the principal contaminant of concern.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this site is contained in the Enforcement Confidential Addendum¹.

Direct Costs	+	Indirect Costs	=	Estimated EPA Costs
(\$398,130 + \$10,000)		(\$408,130 x 56.41%)		
\$408,130		\$230,226		\$638,356

¹ 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.

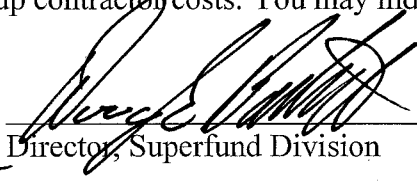
The total EPA costs for this removal action, based on full-cost accounting practices that will be eligible for cost recovery, are estimated to be \$638,356.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Tamarack Stamp Mill Site in Tamarack City, Osceola Township, Houghton 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 TSM Site (Attachment 1). Conditions at the site meet the NCP criteria at 40 C.F.R. § 300.415(b) for a removal action, and I recommend your approval of the removal action proposed in this Action Memorandum.

The total project ceiling, if approved, will be \$398,130 of which an estimated \$362,281 may be used for cleanup contractor costs. You may indicate your approval by signing below.

Approve: _____

for 
Director, Superfund Division

5/19/2014
Date

Disapprove: _____

Director, Superfund Division

_____ Date

Enforcement Addendum

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

cc: S. Fielding, U.S. EPA, 5104A
(fielding.sherry@epa.gov)
V. Darby, U.S. Department of Interior, **w/o Enf. Attachment**
(Valincia_Darby@ios.doi.gov)
D. Wyant, Director, MDEQ, **w/o Enf. Addendum**
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B. Schuette, Michigan Attorney General, **w/o Enf. Addendum**
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J. Walczak, MDEQ, **w/o Enf. Addendum**
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**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

**ENFORCEMENT ADDENDUM
HAS BEEN REDACTED – FIVE PAGES**

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY
FOIA EXEMPT**

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

ATTACHMENT 1

U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

ADMINISTRATIVE RECORD FOR TAMARACK STAMP MILL SITE OSCEOLA TOWNSHIP, HOUGHTON COUNTY, MICHIGAN

ORIGINAL
JANUARY 10, 2014
SEMS ID:

<u>NO.</u>	<u>SEMS ID</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	907450	09/01/01	ATSDR	File	ATSDR Tox Fact Sheet Re: Asbestos CAS #1332-21-4	2
2	907451	09/10/01	Kemppainen, F.,	File	Quit Claim Deed Re: Tamarac City, Houghton County, Michigan	1
3	907452	08/01/05	Clark, A., Weston Solutions, Inc.	Keranen, A., MDEQ	Weston Solutions Project Manual Interim Response - Hazard Mitigation	89
4	907453	06/06/13	Keranen, A., MDEQ	Kelly, B., U.S. EPA	Email Re: Asbestos Issue at Tamarack City Stampmill	13
5	907454	10/25/13	Redfeam, C., U.S. EPA	Kelly, B., U.S. EPA	OTIE Draft Site Assessment Report Re: Tamarack Stamp Mill	30
6	907455	00/00/00	Kemppainen, F.,	Kelly, B., U.S. EPA	Newspaper Articles Re: Demolition at Tamarack City	7
7		00/00/00	Kelly, B., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum Re: Request for Approval of a Time-Critical Removal Action at the Tamarack Stamp Mill Site (PENDING)	

ATTACHMENT 2

EJ ANALYSIS

An Environmental Justice (EJ) analysis for the Site was conducted. Screening of the surrounding area used Region 5's EJ Screen Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT). Region 5 reviewed environmental and demographic data for the area surrounding the Site at the intersection of M-26 and 6th Street, Osceola Township, MI 49934, and determined there is a low potential for EJ concerns at this location.

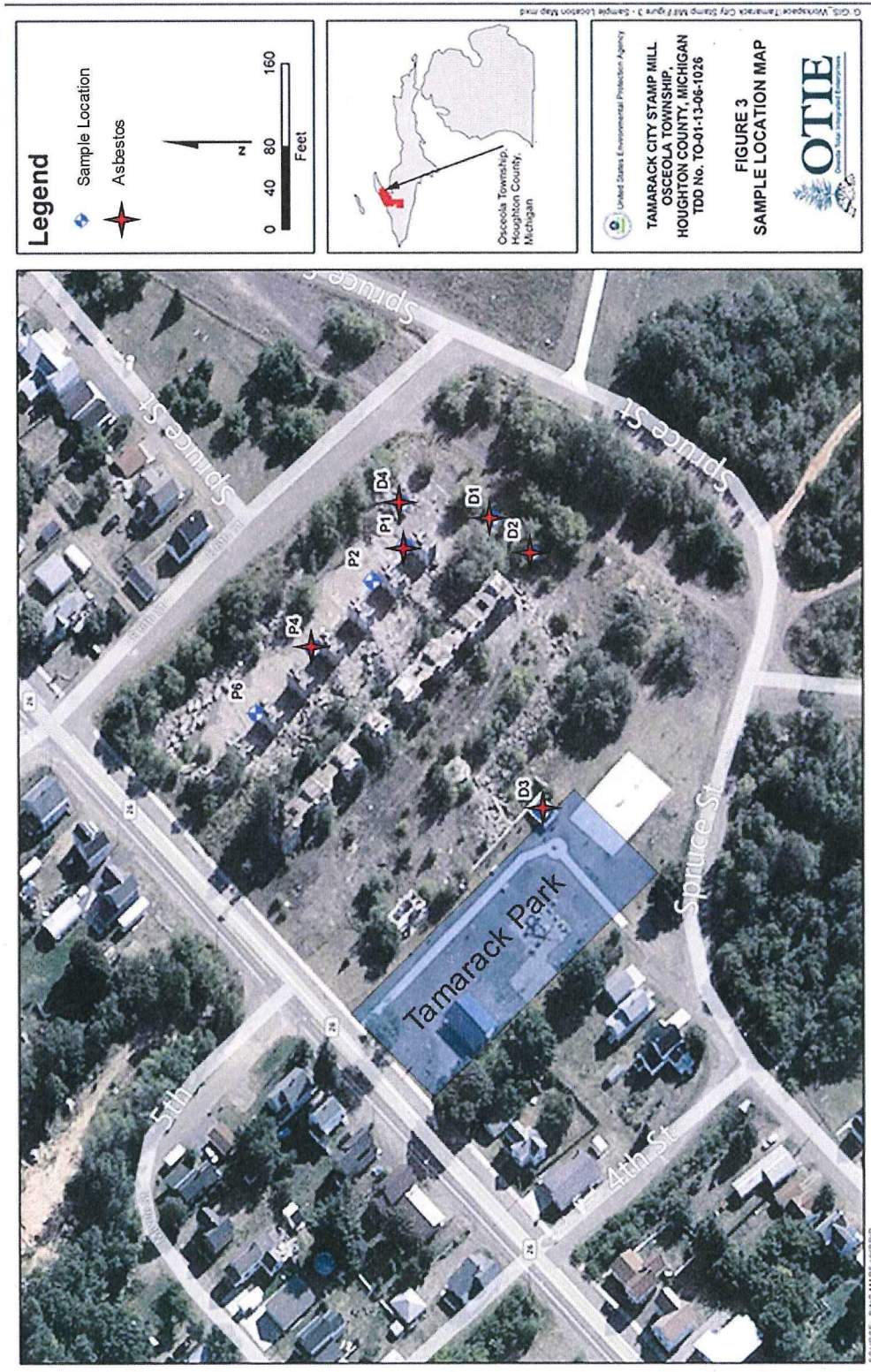
ATTACHMENT 3

**INDEPENDENT GOVERNMENT COST ESTIMATE
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**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

ATTACHMENT 4

SITE LOCATION MAP

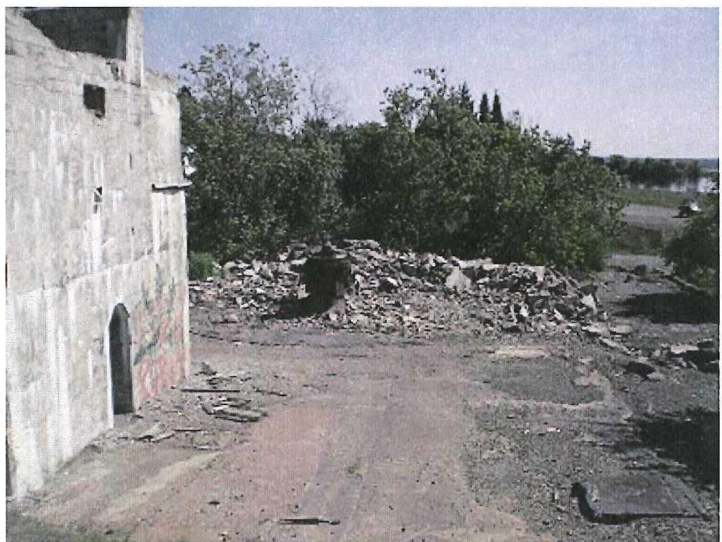


ATTACHMENT 5

PHOTOGRAPHS



Tamarack City Park /w Stamp Mill in Background



Asbestos Sample and Example of Debris Piles

ATTACHMENT 6

**DETAILED CLEANUP CONTRACTOR ESTIMATE
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**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**