



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

**Date:** August 26, 2005  
**Subject:** M J Daly Site  
Ludlow, Kenton County, Kentucky  
**From:** Art Smith, On-Scene Coordinator (OSC), Region 4  
**To:** Regional Response Center, 4WD-ERRB

**I. PURPOSE**

The purpose of this document to document the decision to initiate emergency response actions described herein for the M J Daly Site located in Ludlow, Kenton County, Kentucky under the OSC's \$250,000 authority.

**II. BACKGROUND**

<b>Site No:</b> A4KJ	<b>Site Ceiling:</b> \$250,000
<b>Contractor:</b> CMC, INC	<b>D.O. No.:</b>
<b>CERCLIS No:</b> KYD00856668	<b>ERNS No:</b>
<b>Response Authority:</b> CERCLA	<b>NPL Status:</b> Non-NPL
<b>State Notification:</b> August 25, 2005	<b>Start Date:</b> August 25, 2005
<b>Demobilization Date:</b> NA	<b>Completion Date:</b> NA

**III. SITE INFORMATION**

- A. Incident Category:** (check one)
- Active Production Facility
  - Inactive Production Facility
  - Active Waste Management Facility
  - Inactive Waste Management Facility
  - Midnight Dump
  - Transportation Related
  - Other (specify): Private Residence

## **B. Site Location**

### **1. Site description**

#### **a. Removal site evaluation**

On July 25-28, 2005, U.S. EPA, Kentucky DEP, and START conducted a removal site evaluation (RSE) at the Site, which is the former location of a specialty chemical manufacturing business operated by M. J. Daly Company. This business involved the mixing and packaging of organic chemicals including aromatic solvents, acetates, alcohols, and ketones.

The RSE included tank, drum and waste sampling, subsurface soil sampling with a Geoprobe, trenching, and monitoring well sampling. A total of 24 aboveground storage tanks (ASTs) and 6 drums and containers were documented on-site. Three (3) of the 24 ASTs contained waste including barium, chromium, lead, and mercury. Drums were documented to contain wastes including ethylbenzene, isopropyl benzene, toluene, and xylenes. The drums and tanks were noted to be in varying stages of deterioration with contents leaking onto the floor. Test trenching along the building foundation documented subsurface pipes draining liquid waste at the northwest corner of the site building to the surrounding soil. The water sample GW-1, from test trench TT-03, contained volatile organic compounds (VOCs) including 1,1-Dichloroethane (1,1,-DCA), chloroethane, cis-1,2-dichloroethene (cis-1,2-DCE), ethylbenzene, toluene, xylenes, and vinyl chloride at concentrations of 2200 micrograms per liter ( $\mu\text{g/L}$ ), 910  $\mu\text{g/L}$ , 2600  $\mu\text{g/L}$ , 2000  $\mu\text{g/L}$ , 3500  $\mu\text{g/L}$ , 6000  $\mu\text{g/L}$ , and 240  $\mu\text{g/L}$ , respectively. (see Attachment 1 - Photo Log for conditions discovered during the RSE at the Site).

#### **b. Physical location and Site characteristics**

The Site is located in Ludlow, Kenton County, KY, and based on the Kenton County Property Valuation Administration records consists of three parcels: 040-11-03-015.00, vacant property located at 3-15 Ash St.; 040-11-04-005-01, vacant property located on Travers St.; and 040-11-04-005.02, warehouse property located on Elm St. The three parcels are collectively known as the "KDI Corporation" property. KDI was the corporate parent of M.J. Daly. Records indicate that M. J. Daly operated on the property from 1950s to the 1980s. Prior to 1950, the site was used for the manufacture of rosin.

On June 2, 2005, the OSC conducted an inspection of the warehouse building perimeter. The warehouse building was abandoned and the property was not fenced or secured in any way. As a result, access to the Site was unrestricted. Warehouse doors were open and evidence of possible trespassing and vandalism was noted, as piping from former product storage tanks was found to be severed and laying on the floor near the Elm St. entrance.

On June 27, 2005, the United States District Court for the Eastern District of Kentucky issued a Warrant for Entry at the M.J. Daly Co., Inc. property. The Warrant authorized U.S. EPA access to perform a site investigation at the abandoned warehouse facility. On June 28, 2005, the OSC posted the Warrant on the perimeter of the Site building and conducted a more detailed inspection of the building and tank farm areas. The OSC observed vandalized piping,

liquid wastes leaking into floor drains, unrestricted access to tank areas, un-containerized waste on the building floor, and abandoned drums.

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

During the July 25-28, 2005 RSE, the results of soil sampling documented that the following hazardous substances were released to the environment: acetone, benzene, ethylbenzene, 1,1,1-trichloroethane, 1,1-dichloroethane, toluene, and xylenes. Pooled trench liquid was sampled and subsequent analyses documented the following hazardous substances were released to the environment: 1,1-Dichloroethane, chloroethane, cis-1,2-dichloroethene, ethylbenzene, toluene, xylenes, and vinyl chloride.

These chemicals are “hazardous substances” as that term is defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

- d. Maps, pictures, and other graphic representations

Digital images taken during the RSE are provided as Attachment 1. Maps and other graphic representations in the Site File can be made available upon request.

## 2. Description of threat

Explanations of how this release or threat of release meets the criteria for threats to public health or welfare or the environment in section 300.415 (b)(2) of the NCP are discussed below:

- a. 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"; **as noted previously, the lack of access controls, coupled with the documented presence of hazardous substances, constitutes a significant threat of potential exposure at the Site.**
- b. 300.415(b)(2)(ii) “Actual or potential contamination of drinking water supplies or sensitive ecosystems”; **evidence of contaminants in shallow groundwater suggest the potential for impacting drinking water supplies, if wells are used as a potable water source.**
- c. 300.415(b)(2)(iii) “Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release”; **drums known to contain hazardous substances are in various stages of deterioration and were found to be leaking.**

d. 300.415(b)(2)(iv) “High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate”; **trenching along the building foundation documented two pipes, draining liquid waste to the soil, thus creating the potential for off-site migration.**

e. 300.415(b)(2)(v) “Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released”; **observations made during the RSE concerning the shallow groundwater contamination at the Site suggests that precipitation events will mobilize hazardous constituents and increase the threat of an off-site release.**

f. 300.415(b)(2)(vi) “Threat of fire and explosion”; **not considered to be a significant threat at the Site, based on information collected during the RSE.**

g. 300.415(b)(2)(vii) "The availability of other appropriate federal or state response mechanisms to respond to the release."; **the Kentucky Department for Environmental Protection (KYDEP) has referred the Site to EPA for purposes of conducting a time-critical removal action.**

#### IV. SCOPE OF WORK

With the emergency funding, the OSC proposes to mitigate the immediate threats posed by the uncontrolled release of hazardous substances at the Site. The removal action consists of the following activities:

- 1) Develop and implement a Site Health and Safety plan, including an air monitoring plan and Site Emergency Contingency Plan;
- 2) Develop and implement a Site Security Plan;
- 3) Characterize, remove, and properly dispose of wastes (drums, tanks, piping) and associated debris located at the Site in accordance with U.S. EPA's Off-Site Rule (40 CFR § 300.440);
- 4) Decontaminate and remove 10,000 square foot site building and tanks;
- 5) Characterize extent of soil contamination, remove subsurface piping and highly contaminated soil at the site;
- 6) Install a recovery trench to recover pooled liquid waste along building foundation;

- 7) Backfill and grade excavated areas with clean fill material.

## V. COSTS

<u>Extramural Costs:</u>	<u>Project Ceiling</u>
ERRS (CMC, Inc.)	\$ 200,000
START (Tetra Tech)	\$ 25,000
USCG Gulf Strike Team	\$ 25,000
<b>TOTAL PROJECT CEILING/SITE COST</b>	<b>\$ 250,000</b>

The Project Ceiling has been approved by the OSC as documented in this Action Memo. The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor. Other financial data, which the OSC must rely upon, may not be entirely up to date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

## VI. DISPOSITION OF WASTES

Disposal analysis will be conducted on waste as appropriate in order to identify potential disposal options.

## VII. ENDANGERMENT DETERMINATION

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

## VIII. 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 the public and the environment.

## IX. OUTSTANDING POLICY ISSUES

No outstanding policy issues have been identified for this Site.

## X. APPROVAL

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, of which an estimated \$200,000 will be funded from the Regional removal allowance.

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Art Smith, OSC

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Date

**ATTACHMENT 1**

**PHOTO LOG  
M.J. DALY SITE**



**Photo Description: ASTs outside of building**



**Photo Description: Leaking drum inside building**



**Photo Description: Drain pipe leaking liquid waste**

