



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900

Seattle, WA 98101-3140

APR 07 2015

OFFICE OF
ENVIRONMENTAL
CLEANUP

SUBJECT: Fourth Amendment to the Action Memorandum for a Time-Critical Removal at the Orofino Asbestos Site, Orofino, Clearwater County, Idaho

FROM: Angelica Zavala, Federal On-Scene Coordinator
Emergency Response Unit

THRU: Wally Moon, Unit Manager *WLM*
Emergency Preparedness and Prevention Unit

TO: Chris D. Field, Program Manager
Emergency Management Program

I. PURPOSE

The purpose of this Amendment is to request and document approval of a ceiling increase for the removal action described herein for the First Baptist Church (Church) Repository, Orofino Asbestos Site (Site) in Orofino, Clearwater County, Idaho. The proposed removal action will be performed by the U.S. Environmental Protection Agency (EPA) in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The proposed ceiling increase of \$372,000 will bring the total project ceiling to \$3,127,000. The removal action continues to meet the original exemption criteria from the statutory limits of 12 months and \$2,000,000 as documented in the third Amendment. Additionally, because the proposed action will repair or replace work previously performed by the EPA, a change in the scope of response is not needed.

II. SITE CONDITIONS AND BACKGROUND

The Site description and background have not changed from the descriptions provided in the Action Memorandum signed on July 22, 2010, and provided as an attachment, and subsequent Amendments, except for the following conditions at the Church repository that have occurred since the third Amendment:

- The vegetation placed over the dry retention basin did not establish;
- Certain sections of the asphalt cap have experienced preferential settlement and must be replaced; and
- The width of the current path leading to the lower north wall is too narrow and its grade is too steep to enable access by conventional lawn maintenance equipment and must be widened and grade lessened.

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

The Action Memorandum describes the Site-wide threats associated with asbestos-contaminated soil and materials. This Amendment discusses only those threats that will be addressed at the Church repository by the proposed removal action described herein.

1. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)]

The elevated concentrations of chrysotile asbestos found at the repository indicate that the potential for inhalation exposures exists. Because of the lack of vegetation and other surface water drainage issues associated with the dry retention basin, wind and surface water and mechanical erosion could eventually expose and damage the protective polyvinyl chloride (PVC) liner, which could expose the underlying asbestos-contaminated material and soil. As noted in the Action Memorandum, there is not a known safe level or period of asbestos exposure. Exposure to airborne friable asbestos may result in potential health risks because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lungs. Fibers embedded in lung tissue over time may cause serious lung diseases, including asbestosis, lung cancer, or mesothelioma.

2. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or to be released [300.415(b)(2)(v)]

Weather conditions (e.g., arid conditions, relatively low annual precipitation, and temperature extremes) have contributed to the situation at the Church repository that requires repair. The freezing and thawing cycle caused by the cold winters and warm summers, the dry and windy conditions in the summers, and mechanical forces such as pedestrian use will continue to cause erosion of the soil cap in the dry retention basin. The erosion of the soil cap could result in exposure and damage to the PVC liner which could eventually result in the release of the asbestos-contaminated soil and material found beneath the cap. Seasonal weather changes will also likely exacerbate damage to the settled sections of the asphalt cap.

IV. EXEMPTION FROM STATUTORY LIMITS

The removal action continues to meet the original exemption criteria from the statutory limits of 12 months and \$2,000,000 as documented in the third Amendment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed actions

1. Proposed action description

Figure 1 illustrates the current layout of the repository, and Figure 2 illustrates the proposed response to the threats discussed in Section III of this Amendment. The proposed actions are consistent with the scope of the response described in the Action Memorandum and subsequent Amendments.

Proposed Action

On three occasions, the EPA and its contractors have met on-site with representatives of the Church to evaluate conditions at the repository and to discuss why the following actions are appropriate for the situation.

Dry Retention Basin

Approximately 6 inches of the 8 to 12 inch soil cap will be excavated from the dry retention basin and stockpiled for use elsewhere on-site. The remaining soil will be left in-place to prevent damaging the PVC liner placed over the asbestos-contaminated soil and materials. The dry retention basin will be backfilled with a high-quality topsoil and graded to facilitate surface water drainage toward the retention basin drywell. A hydroseed mixture that is well-suited to the local climate will be applied to the soil, and the Church will be provided with a water system to assist with the establishment of the vegetation.

Asphalt Cap

A licensed asphalt contractor will replace and/or repair sections of the asphalt cap where preferential settlement has occurred to facilitate surface water drainage toward the dry retention basin.

Access Ramp

- The existing path at the northeast corner of the retaining wall will be rebuilt to allow access to the area below the wall along the northern property boundary. The construction of this access ramp will enable the Church to perform required maintenance (i.e., removal of vegetation and lawn mowing) at the base of the retention wall and periodic monitoring of the wall.

Note: A comparison was conducted on disposal of the asbestos-contaminated soil and materials from the repository versus conducting the repairs needed at the site was analyzed during the preparation of this removal action. There is approximately 11,702 yd³ of contaminated soil currently in the repository. Approximately 10,420 yd³ had been placed at the repository as fill. During the 2011 removal action, EPA placed an additional 1660 yd³ there from other contaminated properties while building the repository. In 2012, during the re-build of the retaining wall and the addition of the dry well, 378 yd³ was transported off-site to allow room for the dry well, so the current total of contaminated soil remaining is approximately 11,702 yd³. ERRS has estimated that it will cost about \$3 million to conduct the disposal of the asbestos-contaminated soil and materials at an off-site location. At this time, the Emergency Management Program believes conducting the repairs is the most suitable option.

Post-Removal Site Controls (PRSCs)

By agreement between the EPA and First Baptist Church (made verbally and recorded via email), the Agency was to construct the repository and the Church was to maintain it and record its obligation pursuant to the State of Idaho's Uniform Environmental Covenant Act (UECA) provision. Environmental covenants will be recorded in a local land records office once the terms of the operation and maintenance requirements and land use restrictions are finalized by the EPA and the Church and the repository's construction is completed. Also to be defined is whether these environmental covenants will be 'held' by the State of Idaho or the Nez Perce tribe, which may hold the environmental covenants because although the Site is privately owned, it sits on tribal land.

Best-Management Practices (BMPs)

Appropriate and practicable construction and conservation measures (or BMPs) will be implemented during removal action activities to protect workers and the public from short-term construction impacts such as erosion and sedimentation, fugitive dust, and other similar impacts.

Greener Cleanup Best Management Practices

Appropriate and practicable greener cleanup BMPs will be implemented during cleanup activities, including, but not limited to, minimizing energy consumption, minimizing generation and transport of fugitive dust, minimizing waste generation through reuse and recycling, minimizing impacts to water resources, minimizing areas requiring activity or use limitations, minimizing unnecessary habitat disturbance, and minimizing lighting and noise disturbance.

2. Contribution to remedial performance

The contribution to remedial performance has not changed from the description provided in the Action Memorandum.

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

Not applicable.

4. Applicable or relevant and appropriate requirements (ARARs)

The identification of and compliance with ARARs has not changed from the description provided in the Action Memorandum.

5. Project Schedule

Response actions are expected to begin April 20, 2015, and to require 14 to 21 days to complete.

B. Estimated Costs

Estimated EPA extramural costs for conducting the removal action described herein are shown below:

Extramural Costs	Current Ceiling	Proposed Increase	Proposed Ceiling
<u>Regional Allowance Costs</u> ERRS Contractor	\$2,310,000	\$230,000.00	\$2,540,000
<u>Other Extramural Costs</u> <u>Not Funded from the</u> <u>Regional Allowance</u> START Contractor	\$445,000	\$80,000.00	\$525,000
Subtotal Intramural Costs	\$2,755,000	\$310,000	\$3,065,000
Extramural Cost Contingency (20%)		\$62,000	\$62,000

Total Removal Action Project Ceiling	\$2,755,000	\$372,000	\$3,127,000
---	-------------	-----------	-------------

The total removal action project ceiling does not include estimates of other costs such as intramural direct labor, travel, and indirect costs, and subsequent enforcement costs that are recoverable under Section 107 of CERCLA.

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

Refer to the original Action Memorandum.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

Refer to the Action Memorandum confidential enforcement addendum.


IX. DETERMINATION

This decision document represents the selected removal action for the First Baptist Church Repository, Orofino Asbestos Site, Orofino, Clearwater County, Idaho, developed in accordance with CERCLA, as amended, and is consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). 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 the criteria for a CERCLA section 104(c) emergency exemption, and I recommend your approval of a ceiling increase of \$372,000. The total project ceiling if approved will be \$3,127,000, of which an estimated \$372,000 will be funded from the fiscal year 2015 Regional removal allowance.

X. APPROVAL/DISAPPROVAL

By the approval that appears below, the EPA selects the removal action for the Site as set forth in the recommendations contained in this Amendment together with the Action Memorandum and other Amendments.

Approve: 



Chris D. Field, Program Manager
Emergency Management Program

Disapprove: _____

Chris D. Field, Program Manager
Emergency Management Program

Effective date of this Decision: _____

XII. ATTACHMENTS

- Figure 1 – Site Figure
- Figure 2 – Site Figure
- Action Memorandum
- 1st Amendment
- 2nd Amendment
- 3rd Amendment
- Confidential Enforcement Addendum

