



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**ACTION MEMORANDUM**

**SUBJECT:** Request for Approval of an Interim Time-Critical Removal Action at the Old Davis Hospital Site, Statesville, Iredell County, North Carolina

**FROM:** Kenneth B. Rhame, On-Scene Coordinator  
Emergency Response, Removal & Prevention Branch

**THRU:** James Webster, Ph.D., Chief  
Emergency Response, Removal & Prevention Branch

**TO:** Franklin E. Hill, Director  
Superfund Division

**SITE ID #:** B48Q

**I. PURPOSE**

The purpose of this Action Memorandum is to request and document approval of an interim time-critical removal action described herein for the Old Davis Hospital Site located at 706 and 709 West End Avenue, Statesville, Iredell County, North Carolina (the Site). The release or threat of release of hazardous substances at the Site poses a threat to public health and the environment pursuant to Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that meets the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Section 300.415 criteria for removal actions. The funding request for this interim action will allow for the initiation of stabilization activities at the Site while enforcement efforts continue with the goal of mitigating threats to human health and the environment. If approved, a total project ceiling to \$240,000 of which \$175,000 will be funded through the Regional Removal Allowance.

**II. SITE CONDITIONS AND BACKGROUND**

**A. Site Description**

CERCLIS ID: NCN000404863  
Site ID: B48Q  
Type: Time-Critical Removal Action

## **1. Removal Site Evaluation**

On October 7, 2015, the EPA Region 4 received a National Response Center (NRC) notification of potential improper demolition activities and possible release of asbestos at the Site. The EPA notified the North Carolina Health Hazards Control Unit (HHCU), which implements the asbestos program in North Carolina, and provided them with the information in the NRC Incident Report #1130286. HHCU and the County Building Inspector performed a site visit and walk-through of the interior of the building on October 12, 2015. During the walk-through of the interior of the building, suspect asbestos-containing materials were observed. The following day, HHCU returned to the Site to collect samples of suspect asbestos-containing materials and to further document the Site conditions. It was during the October 13, 2015 site visit that suspect asbestos-containing materials were observed in debris piles outside the main building.

In the HHCU Inspection Report, the suspect material is described as being "dry" and "scattered throughout the area". A total of 53 samples were collected from within the standing portion of the hospital building and debris piles by HHCU on October 13 and 15, 2016. Asbestos was identified in 21 of the 53 samples including samples collected from the debris piles. Concentrations ranged up to 75% Chrysotile and 20% Amosite. HHCU pursued enforcement actions for several months to secure the material.

The EPA Region 4 Superfund Division and the Air, Pesticides and Toxics Management Division (APTMD) conducted a site visit with the HHCU and the potentially responsible party (PRP) on June 2, 2016. During this site visit, EPA personnel from both the Superfund Division and the Air, Pesticides and Toxics Management Division observed the debris piles in the aforementioned HHCU inspection report.

On June 6, 2016, the North Carolina Department of Environmental Quality (DEQ) in coordination with the North Carolina Department of Health and Human Services, requested that the EPA Region 4 Emergency Response, Removal and Prevention Branch (ERRPB) conduct a Removal Site Evaluation at the Site and take action as necessary and appropriate to facilitate mitigation of potential threats associated with asbestos-containing demolition debris located on the property. Also on June 6, 2015, the HHCU sent a letter to the EPA Region 4 Emergency Response, Removal and Prevention Branch expressing their concern with the Site.

## **2. Physical Location**

The Site is located at 706 and 709 West End Street Statesville, Iredell County, North Carolina (the Site). Statesville is a city and the county seat of Iredell County, North Carolina. The city population was 24,633 during the 2010 census. The geographical location of the center of the Site is at approximately 35°46'56.79"N latitude and 80°53'56.84"W longitude.

### **3. Site Characteristics**

The Site is a former hospital that operated from the 1920s to 1980s. The Site is bordered to the south by Mitchell Community College, to the west by multi-family residential apartments and to the north by single family residential dwellings.

### **4. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant or Contaminant**

Asbestos is a hazardous substance as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 101 (14). The North Carolina Health Hazards Control Unit has documented the presence of friable asbestos in debris piles generated by demolition activities associated with the former Davis Hospital, now referred to as the Old Davis Hospital Site. The friable asbestos was observed in two primary areas of concern, both are located outside of the main building in two large demolition debris piles; one is located to east of the main building and the other is located to the rear of the main building. The two piles are each estimated at approximately 100 feet by 150 feet by 10 feet in height.

### **5. NPL Status**

The Site is not on the National Priorities List (NPL).

### **6. Maps, Pictures, and Other Graphic Representations**

Maps, photos and other graphics will be made available upon request.

## **B. Other Actions To Date**

### **1. Previous Actions**

The North Carolina Health Hazards Control Unit issued demolition permits to the property owner on January 3, 2015, September 10, 2015, and September 22, 2015. In September 2015, Iredell County placed a stop work order on demolition activities at the Site. On September 22, 2015, HHCU conducted a compliance inspection at the Site, and as indicated in Section II, HHCU and the Iredell County Building Inspector performed a walk-through of the Site on October 12, 2015. During the walk-through suspected asbestos-containing materials were observed throughout the hospital building. The following day, HHCU returned to the Site to collect samples of suspect asbestos-containing materials and to further document the Site conditions. It was during the October 13, 2015 site visit that suspect asbestos-containing materials were observed in the demolition debris piles on-site.

HHCU sent a letter to the property owner and the demolition contractor on November 4, 2015, explaining the regulatory requirements associated with demolition of potentially asbestos-containing structures. HHCU sent a Notice of Violation to the property owner and demolition

contractor on March 2, 2016. The NOV directed that a thorough inspection and inventory of suspect asbestos-containing materials be performed by an accredited asbestos inspector and that an asbestos abatement design be developed and submitted for review prior to beginning cleanup or demolition activities. The NOV further specified that the cleanup should be performed by North Carolina accredited personnel in accordance with applicable state and federal regulations and completed as quickly as possible.

## **2. Current Actions**

Concurrent with the implementation of this interim removal action, the EPA and the PRP are continuing on-going negotiations of an Administrative Order on Consent (AOC) which will provide for the continued site security and additional removal actions at the Site.

## **C. State and Local Authorities' Roles**

### **1. State and Local Actions to Date**

The North Carolina Department of Environmental Quality has concluded that conditions at the Site warrant further evaluation and referred the Site via email to EPA Region 4 on behalf of HHCUC on June 6, 2016. Additional state and local actions are discussed in Section II, B.1 of this document.

### **2. Potential for Continued State and Local Response**

HHCUC has indicated that it does not have the resources to perform any response activities at the Site; however, HHCUC will continue to coordinate with the EPA, DEQ and the City of Statesville during the removal activities.

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

### **A. Threats to Public Health or Welfare**

Conditions at the Site pose the following threats to public health or welfare as listed in 40 CFR § 300.415(b)(2):

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

The Site is located immediately proximate to the Mitchell Community College, a multi-family residential complex and single family dwellings. The Site is also a locally prominent paranormal destination as evidenced by numerous YouTube videos and will continue to be an attraction

because the major portion of the hospital building is still intact<sup>1</sup>. The debris piles containing friable asbestos have and will continue to release asbestos to the environment posing a potential threat to anyone entering or in close proximity to the Site.

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

Analytical results reveal the presence of asbestos in the demolition debris on the Site. Modification of the demolition area through movement of material, digging, grading or any other means may create the potential for migration to off-site locations. There is no natural or man-made boundary to restrict asbestos that is interspersed within the debris from migrating off-site.

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

Dry, windy conditions or precipitation runoff could cause asbestos fibers located at or near the surface to migrate offsite and pose a health hazard to nearby residential and student populations.

***The availability of other appropriate federal and state response mechanisms to respond to the release;***

The State of North Carolina Departments of Environmental Quality and Health and Human Services have indicated that they lack the resources to perform the removal actions necessary at this site in a timely manner.

#### **IV. 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, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

#### **V. PROPOSED ACTION AND ESTIMATED COSTS**

##### **A. Proposed Actions**

##### **1. Proposed Action Description**

The requested funding outlined in this Action Memorandum will support operations to contain ACM outside of onsite structure and control site access. The Removal Action Work Plan shall include at a minimum:

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<sup>1</sup> YouTube videos made by trespassers entering the hospital grounds can be found by searching "Old Statesville Hospital." The scope of this action memorandum is restricted to the debris piles located on the Site. As noted in Section V.A.1, the standing portion of the hospital building will be referred back to the State once the proposed removal action is completed.

- Secure Site with fencing and signage and security, as necessary.
  - Develop Site Safety Plan for work to be conducted as part of this removal action.
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- Stabilize debris piles that contain asbestos containing material (ACM) located outside the Old Davis Hospital in accordance to state and federal asbestos laws and regulations. Debris piles to be secured for disposal following on-going disposal negotiations or approval of a ceiling increase should negotiations not be successful.
  - Implement dust suppression and/or encapsulation to prevent off-site migration of dust and asbestos fibers during site activities
  - Conduct air monitoring/sampling to insure that the dust suppression methods are effective.

## **2. Contribution to Remedial Performance**

The proposed removal action will address the threats discussed in Section III which meet the NCP Section 300.415(b)(2) removal criteria. Although future action under the Remedial Program is unlikely, the removal action contemplated in this Action Memorandum would be consistent with any future remedial action.

## **3. Description of Alternative Technologies**

The waste material associated with the two outside debris piles is to be considered asbestos containing material and will ultimately be disposed of as such. There are no known alternative technologies applicable to the treatment or disposal of asbestos containing material that will be considered at this Site.

## **4. Engineering Evaluation/Cost Analysis (EE/CA)**

This proposed action is a time-critical removal and does not require an EE/CA.

## **5. Applicable or Relevant and Appropriate Requirements (ARARs)**

In accordance with the NCP at 40 CFR § 300.415(j), on-site removal actions conducted under CERCLA are required to attain ARARs to the extent practicable considering the exigencies of the situation or provide grounds for invoking a CERCLA waiver under Section 121(d)(4). In determining whether compliance with ARARs is practicable, the lead agency may consider appropriate factors, including (1) the urgency of the situation; and (2) scope of the removal action to be conducted. Additionally, under 40 CFR § 300.400(g)(3), other advisories, criteria or guidance may also be considered (so-called To-Be-Considered or TBC) when conducting the removal action. The EPA Region 4 On-Scene Coordinator will coordinate with NC DEQ and HHCUCU to identify any relevant site specific ARARs.

ARARs include only federal and state environmental or facility siting laws/regulations and do not include occupational safety or worker protection requirements. Compliance with OSHA standards is required by 40 CFR § 300.150. ARARs are typically divided into three categories: (1) chemical-specific; (2) location-specific; and (3) action-specific.

Under CERCLA Section 121(e)(1), federal, state, or local permits are not required for the portion of any removal or remedial action conducted entirely on-site as defined in 40 CFR § 300.5. See also 40 CFR § 300.400(e)(1) & (2). On-site means the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action. On-site response actions must comply, to the extent practicable, with substantive but not administrative requirements of ARARs. Off-site activities such as transportation and disposal of wastes are required to comply with all applicable requirements, including the administrative portions.

As provided in CERCLA Section 121(d)(3) and the Off-site Rule at 40 CFR § 300.440 *et seq.*, the off-site transfer of any hazardous substance, pollutant or contaminant generated during the response action will be sent to a treatment, storage or disposal facility that is in compliance with applicable federal and state laws and has been approved by the EPA for acceptance of CERCLA waste. All waste transferred off-site will be required to follow the CERCLA Off-Site Rule.

## **6. Project Schedule**

The removal action will be initiated immediately following approval of the action memorandum. Concurrent with response activities to secure the Site and the ACM present outside of the building, negotiations will continue to have the PRP undertake off-site disposal. Disposal activities will be completed by either the PRP or through a fund-financed action within the next 6 months.

## B. Estimated Costs

<b>Extramural Costs:</b>		<b>Proposed Ceiling:</b>
<u>Regional Allowance Costs:</u>		
ERRS		\$ 175,000
<u>Other Extramural Costs Not Funded from the Regional Allowance:</u>		
START		\$ 25,000
<u>Subtotal Extramural Costs:</u>		\$200,000
Extramural Costs Contingency (20%)		\$40,000
<b>TOTAL REMOVAL ACTION PROJECT CEILING:</b>		<b>\$ 240,000</b>

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

If this interim response action is significantly delayed or not taken, the risk that public tampering or trespass within areas of the outdoor debris piles may result in increasing the risk of a continued release and of damage to public health and the environment.

## VII. OUTSTANDING POLICY ISSUES:

No outstanding policy issues have been identified at this time.

## VIII. ENFORCEMENT

Enforcement activities have been initiated and are ongoing. An AOC is currently being negotiated with the PRP to conduct disposal activities following the completion of the proposed interim measures.

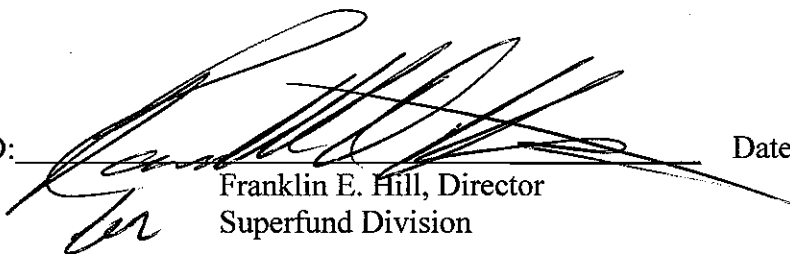
## IX. RECOMMENDATION

This decision document represents the proposed interim removal action for the Old Davis Hospital Site located in Statesville, Iredell County, North Carolina. This document was developed in accordance with CERCLA, as amended, and not inconsistent with the NCP criteria. This decision is based upon the



administrative record established for the Site. Conditions at the Site meet the NCP Section 300.415 criteria for a removal action, and I recommend your approval of this proposed interim removal action. The total project ceiling, if approved, will be \$240,000 of which an estimated \$175,000 comes from the Regional Removal Allowance.

APPROVED: \_\_\_\_\_



Franklin E. Hill, Director  
Superfund Division

Date: \_\_\_\_\_

6/8/16

DISAPPROVED: \_\_\_\_\_

Franklin E. Hill, Director  
Superfund Division

Date: \_\_\_\_\_

Attachments

## **ATTACHMENT A**

### **REFERENCES**

1. Letter to Mr. James Webster from the North Carolina Health Hazard Control Unit, dated June 6, 2016.
2. Email dated June 6, 2016 from Mr. James Bateson, North Carolina Department of Environmental Quality requesting EPA to conduct a removal site evaluation and facilitate appropriate action at the Old Davis Hospital Site.