



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



495105

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: Request for Approval and Funding for a Time-Critical Removal Action at the Wisco Warehouse Asbestos Site, Cleveland, Cuyahoga County, Ohio (Site ID #C5CS)

FROM: Eric A. Pohl, On-Scene Coordinator
Stephen Wolfe, On-Scene Coordinator
Emergency Response Section 1

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

TO: Margaret M. Guerriero, Acting Director
Superfund Division

I. PURPOSE

The purpose of this Action Memorandum is to request and document your approval to expend up to \$619,387 to conduct a time-critical removal at the Wisco Warehouse Asbestos Site (the Site) located at 2523 & 2525 East 93rd St, Cleveland, Cuyahoga County, Ohio 44104. The proposed time-critical removal actions described in this memorandum are necessary to mitigate threats to public health, welfare, and the environment posed by the release or threat of release of asbestos-containing building debris and other hazardous substances, or pollutants or contaminants at the Site.

This removal action will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(a)(1) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. § 300.415, and is anticipated to abate or eliminate the immediate threats posed to public health and/or the environment.

The uncontrolled conditions of the hazardous substances present at the Site require that this action be classified as a time-critical removal action. The project will require approximately 31 working days to complete.

Removals involving asbestos, when it is the principal contaminant of concern, have been designated as nationally significant. The Region will request Headquarters concurrence in accordance with the September 2009 Action Memorandum guidance. Removal actions at this Site will follow precedents and protocols set at other EPA asbestos cleanup sites.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID: OHN000506457

RCRA ID: NA

State ID: NA

Category: Time-Critical Removal Action

A. Site Description

The Wisco Warehouse Asbestos Site is an abandoned commercial warehouse property located at 2523 & 2525 East 93rd St., Cleveland, Cuyahoga County, Ohio. Two buildings historically present on the Site were used for storage and office space. Both buildings were demolished by Jondavid Balunek, the property owner (PRP), to salvage scrap metal. The Site is vacant and open to trespass. (Administrative Record #6) (AR #6).

One small building (footprint area approximately 4700 square feet) was abated by a PRP contractor and demolished in September 2011 (AR #12). The PRP submitted a demolition notification to the Cleveland Division of Air Quality (CDAQ) for that demolition and there is no indication from CDAQ of regulatory violations related to that demolition. In January 2014, the PRP demolished the remaining building (approximately 44,000 square feet) without performing an asbestos assessment or abatement. (AR#3). Post-demolition investigations by CDAQ indicated that asbestos was present in the demolition debris and CDAQ, the Ohio Environmental Protection Agency (Ohio EPA), and Ohio Attorney General initiated enforcement against the PRP to compel him to properly abate the asbestos at the property. (AR #2, 5). The PRP failed to cooperate with those agencies and has informed the Ohio Attorney General that he is financially unable to comply (AR #6). The Ohio Attorney General has indicated to EPA that Ohio is still in negotiations with the PRP and has not yet filed a civil complaint against the PRP.

On September 9, 2016, the Ohio EPA referred the Site to EPA to conduct a removal action to abate environmental and human health threats resulting from abandoned hazardous substances on the property. (AR #6).

1. Removal site evaluation

ASBESTOS CONTAMINATED DEBRIS

In January 2014, the PRP demolished a building on the Site without complying with required National Emission Standards for Hazardous Air Pollutants (NESHAPs) regulations at 40 C.F.R. Part 61. The post-demolition on-site construction debris is contaminated with asbestos (AR #2, 4, 11).

On November 7, 2014, CDAQ issued a Notice of Violation (NOV) to the PRP based on a site inspection CDAQ conducted on October 16, 2014, for Asbestos NESHAP violations and violations of Ohio Administrative Code. (AR #3).

On December 10, 2015, CDAQ returned to the property and collected a total of 11 samples of various suspected asbestos containing material (ACM) from the debris piles. Seven out of eleven samples that were collected contained 3 to 20 percent chrysotile asbestos (AR #4).

On October 17, 2016, U.S. EPA conducted a site assessment and EPA START contractors collected 11 samples of suspected asbestos containing material (ACM). Ten out of the 11 contained 3 to 20 percent chrysotile asbestos (AR #11).

The main concern is that the ACM is friable or potentially friable. Asbestos fibers are being released into the air and have impacted the environment, and continue to possibly migrate off-site. Friable asbestos is a listed hazardous substance in 40 C.F.R. Part 302, Table 302.4. Transportation construction work on the Site and evidence of graffiti on adjacent buildings demonstrate the possibility of trespass on the Site and activity which could increase the friability of the *in situ* asbestos and migration of asbestos to the ambient air.

DRUMS

On October 17, 2016, EPA documented the presence of 13 drums (30- and 55-gallon) near the northwest corner of the property. The drums are generally in poor condition, corroded, unable to be physically sealed, and exposed to weather and the environment. Some drums also showed signs of leaking as evidenced by the collection of liquid presumed to be rainwater intermixed with the contents of the drums (AR #11).

During the October 17, 2016, site assessment, EPA conducted limited sampling of the contents of the drums. Analyses of the contents of the drums indicated that three of the drums contained materials which exhibited the hazardous waste characteristic of ignitability and which were therefore hazardous substances. (AR #11).

2. Physical location

The Site is located at 2523 & 2525 East 93rd St. in Cleveland, Cuyahoga County, Ohio. The geographic coordinates of the Site are +41.490139 latitude and -81.621002 longitude.

An Environmental Justice (EJ) analysis for the Site is contained in Attachment II. Screening of the surrounding area used Region 5's EJ Screen Tool. Region 5 has reviewed environmental and demographic data for the area surrounding the Site and determined there is a high potential for EJ concerns at this location.

3. Site characteristics

The Site is located in a mixed commercial and residential area and is bordered to the north by railroad tracks, a public transit line, and a county juvenile courthouse and detention complex; to the east and south by commercial properties; and to the west by East 93rd St and commercial properties. The Site property historically included two buildings. Of the two buildings, one was demolished by the PRP in September 2011, and the other was demolished by the PRP in January 2014 (AR #6).

The total area of the site is 2.4824 acres (AR #7). The asbestos-contaminated construction debris covers a rectangular area of the Site approximately 125 ft. x 350 ft. The depth of the debris pile is approximately three feet deep and it is uniformly distributed. The debris pile is composed primarily of standard materials consistent with a demolished building and contains a significant quantity of foam insulation material, wood, and concrete. A poured concrete slab is present beneath the debris pile in most locations. There are no significant plants or wildlife evident on the Site.

No activity is occurring at the Site and the owner does not have a physical presence on the property. There is no fencing on the western side of the Site, which borders a roadway with a sidewalk, thus allowing for easy access by trespassers.

The Ohio Department of Transportation (ODOT) is seeking to permanently appropriate 0.482 acres of the Site for a new roadway project and another 0.144 acres for a utility easement (AR #8). According to ODOT personnel, negotiations with the property owner failed and the State has filed an eminent domain action. That matter is still being litigated. As part of that project, ODOT has moved some of the debris around on the Site despite not yet having completed the eminent domain process.

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

ASBESTOS CONTAMINATED DEBRIS

Friable asbestos is a listed hazardous substance under 40 C.F.R. § 302.4. Both CDAQ and EPA documented friable asbestos mixed within the debris piles at the Site during independent assessments. (AR #4, 11). Past Site activities released ACM to the environment. Friable asbestos present in the waste piles continues to degrade with the potential for off-site airborne migration via wind action. The Site is open to foot traffic and the ACM in the debris piles could easily be disturbed by trespassers and cause releases of ACM into the air.

DRUMS

EPA confirmed the presence of hazardous substances in drums at the Site. Thirteen known drums (in poor condition) are located on the Site. Sampling indicated the presence in three of the drums of material defined as hazardous substances because it exhibits the hazardous waste

characteristic of ignitability (flashpoint less than 140 degrees Fahrenheit and hazardous waste code D001). The drums may also contain other hazardous substances, pollutants or contaminants which may constitute a threatened release to the environment and an imminent and substantial danger to the public health or welfare (AR #11).

EPA observed evidence that trespassing likely occurs or occurred at the Site, as demonstrated by graffiti present on a building bordering the Site and shown in the Photo Log (Appendix IV, Photo 5). The Site is open to foot traffic through easily circumvented perimeter fencing around the building parcel. The drums are in the open, exposed to weather, and are easily accessible without any additional security or physical barriers. The source of the drums is unknown.

5. NPL status

The Site is not on the National Priorities List (NPL) and has not been proposed for listing on the NPL.

6. Maps, pictures and other graphic representations

Attachment III Site Location Map

Attachment IV Photo Log

B. Other Actions to Date

1. Previous actions

This Action Memorandum documents previous response and investigatory actions in the background section (Section II.A.1).

2. Current actions

The Ohio Department of Transportation (ODOT) is planning and executing a roadway construction project involving a portion of the Site property. ODOT, through a contractor, has constructed a temporary gravel roadway for construction vehicle access parallel to the southern property line and extending from property line into the Site approximately 30 feet. During this construction activity, ODOT cleared an area of the property of asbestos contaminated construction debris and consolidated it with the debris existing outside of their roadway area. This area is described approximately by the quadrilateral of the western, eastern, and southern property lines, and a boundary 40' north and parallel to the southern property line. This construction activity is part of a project known as the "Cleveland Opportunity Corridor." The State has filed an eminent domain action to acquire a portion of the Site for that project, but that litigation is not yet complete. ODOT continues to work on the portion of the Site it is attempting to acquire.

C. State and Local Authorities' Roles

1. State and local actions to date

CDAQ collected bulk asbestos samples on December 10, 2015, documenting the presence of asbestos in the debris piles. From November 2014 through August 2015, CDAQ attempted to compel the PRP to take corrective actions at the Site. One NOV was issued by CDAQ to the property owner for failure to submit a NESHAP notification and failure to thoroughly inspect the Site for asbestos. CDAQ referred the case in August 2015, to Ohio EPA for enforcement. CDAQ returned to the Site in December 2015 for sampling of suspect ACM. Ohio EPA referred the Site to the Ohio Attorney General Office in February 2016, and in August 2016, the Ohio Attorney General Office received information from the property owner indicating his inability to pay for cleanup. (AR #6).

2. Potential for continued State/local response

The Ohio EPA has indicated that it does not have the resources to address the ACM at the Site. Due to the continued non-action of the PRP, the Ohio EPA has requested EPA assistance. (AR #6).

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

The conditions at the Site present a threat to the public health, or welfare, and the environment and meet the criteria for a time-critical removal action set forth in 40 CFR § 300.415(b)(2) of the NCP. 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, § 300.415(b)(2)(i);

CDAQ and EPA sampling results from the Site indicate that asbestos is present within the on-site debris piles located in the open environment and without any mitigating Site controls. The ACM was damaged during demolition activities. Since these materials have been abandoned on-site in an uncontrolled manner, they present a potential threat to the public health, or welfare of the United States or the environment. The ACM will continue to release asbestos into the environment through transport and deterioration due to weather conditions and/or trespassing activities.

Asbestos is a hazardous substance as defined by 40 C.F.R. § 302.4. Asbestos is of potential concern because chronic inhalation exposure to excessive levels of asbestos fibers suspended in air can result in lung diseases such as asbestosis, mesothelioma, and lung cancer.

EPA has determined that asbestos is a human carcinogen (ATSDR, September 2001) (AR #1). Sub-acute exposures as short as a few days have been shown to cause mesothelioma. Asbestos mainly affects the lungs and the membrane that surrounds the lungs. Breathing high levels of

asbestos fibers for long periods of time may result in scar-like tissue in the lungs and in the pleural membrane (lining) that surrounds the lungs. This disease is called asbestosis and is usually found in workers exposed to asbestos but not in the general public. People with asbestosis have difficulty breathing, often a persistent cough, and in severe cases heart enlargement. Asbestosis is a serious disease and can eventually lead to disability and death. (AR #1).

There are no signs or other deterrents to warn the public of the potential asbestos hazard at the Site. Site access is unrestricted and trespassers entering the Site could be exposed to airborne asbestos fibers or come in direct contact with damaged ACM. During the Site visit the OSC observed signs of graffiti adjacent to the Site. Activities by trespassers at the Site may continue to release asbestos fibers into the environment. Another concern is that a portion of the property is being acquired by ODOT as part of a major new roadway project. Construction workers and equipment will come into contact with the ACM, disturb the material, and cause releases into the air. Construction workers have the potential to be exposed to ACM through normal work activities related to the roadway project occurring on the site. Heavy construction equipment can damage ACM causing it to become friable and/or airborne.

Hazardous substances, pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release, § 300.415(b)(2)(iii);

Waste containing hazardous substances, pollutants, or contaminants is currently stored at the Site. EPA observed evidence of trespass and the Site is not secured. There are 13 drums on site that contain ignitable waste (D001) and other hazardous substances, pollutants or contaminants. In addition, there are numerous other small containers on the Site mixed with the debris piles that have not yet been assessed. The drums and other containers are located throughout the Site and are exposed to inclement weather.

Weather conditions that may cause hazardous substances or pollutants and contaminants to migrate or be released, § 300.415(b)(2)(v);

Weather conditions will continue to deteriorate the asbestos in the debris piles and likely cause ongoing releases of asbestos fibers into the environment. Based on the damaged condition and presence of ACM within the debris piles, the debris at the Site presents a threat to the public health or welfare or the environment through migration of windblown particles or suspended in rainwater runoff.

The drums on Site are in poor condition and rainwater was found accumulating in the containers. Rainwater could affect the contents of the drums and cause them to overflow onto the ground and surrounding environment. Water accumulation may also cause or accelerate the corrosion of the metal containers and weaken their structure, which may lead to a release of their contents. During cold weather, freeze/thaw cycles can stress the drums and could potentially cause them to rupture or burst.

Threat of fire or explosion, § 300.415(b)(2)(vi);

Analytical samples of drum contents indicate the presence of ignitable material (D001 hazardous waste) located on Site which could catch fire or explode due to the actions of vagrants or trespassers. Any smoke plume associated with an on-site fire could impact the workers at neighboring facilities.

A portion of the ACM-contaminated construction debris is wood and potentially combustible foam insulation. The debris pile is in close proximity to the drums containing ignitable substances. If the debris pile were to be ignited, a fire could cause the ACM to become airborne and spread.

The availability of other appropriate federal or State response mechanisms to respond to the release, § 300.415(b)(2)(vii);

Neither the City of Cleveland nor the Ohio EPA have the resources to address the hazardous substances at the Site. The Ohio EPA referred the Site to EPA Region 5 requesting assistance in performing a removal action for Site-related threats to the public health, or welfare, or the environment. (AR #6)

Other situations or factors that may pose threats to public health or welfare of the United States or the environment, § 300.415(b)(2)(viii);

The ODOT-lead roadway project is occurring in part on the Site. Construction workers may unintentionally disturb the debris piles and ACM. Heavy construction equipment can damage ACM causing it to become friable and/or airborne. Construction activity occurring near the ACM may cause it to move in the environment and general area as workers and vehicles enter, leave, and work on the Site.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, 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 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, and pollutants or contaminants on Site, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment. Proposed removal activities will include:

- a. Develop and implement a Site Health and Safety Plan (HASP), Air Monitoring Plan, and Sampling Plan;
- b. Transport and dispose of all ACM and identified hazardous substances, pollutants, ACM-impacted wastes, or contaminants at an EPA-approved disposal facility in accordance with U.S. EPA Off-Site Rule (40 CFR § 300.440);
- c. Remove all drums from the Site, and transport and dispose of identified hazardous substances, pollutants, or contaminants contained within those drums at an EPA-approved disposal facility in accordance with U.S. EPA Off-Site Rule (40 CFR § 300.440);
- d. Decontaminate heavy equipment as necessary, and appropriately dispose of decontamination water;
- e. Take any necessary response actions to address any release or threatened release of a hazardous substance, pollutant or contaminant that the EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

Post-Removal Site Controls - The removal action will be conducted in a manner not inconsistent with the NCP. Consistent with section 300.415(l) of the NCP, elimination of the threats presented by hazardous substances or pollutants or contaminants at the Site is expected to minimize the need for post-removal site control.

Off-Site Rule - All hazardous substances, pollutants or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as EPA determines, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

The estimated costs to complete the activities outlined above are summarized below. These activities will require an estimated 31 on-site working days to complete. Detailed cleanup contractor costs are presented in Attachment V.

2. Contribution to remedial performance

The proposed removal actions will not impede future actions based on available information. Remedial action is not anticipated at the Site.

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

Not Applicable

4. Applicable or relevant and appropriate requirements (ARARs)

EPA will comply with all applicable, relevant, and appropriate requirements (ARARs) of Federal and State law to the extent practicable considering the exigencies of the circumstances.

Federal

National Emission Standards for Hazardous Air Pollutants 40 C.F.R. Part 61, Subpart M (Asbestos NESHAP).

State

On November 14, 2016, via electronic mail, the OSC requested that the Ohio EPA identify any State of Ohio ARARs (AR #9). Ohio EPA identified ARARs in an electronic mail dated November 15, 2016. ARARs identified include elements found in the Ohio Administrative Code Chapter 3745-20 similar to the federal Asbestos NESHAP. (AR #10).

5. Project schedule

The removal activities identified in this Action Memorandum are expected to take 31 on-site working days to complete.

B. Estimated Costs

The detailed cleanup contractor cost is presented in Attachment V and the Independent Government Cost Estimate is presented in Attachment VI. Initial project funding is expected to allow for full completion of this proposed removal action, however regional budgetary considerations may require incremental funding. Estimated project costs are summarized below:

REMOVAL ACTION PROJECT CEILING ESTIMATE	
<u>Extramural Costs:</u>	
<u>Regional Removal Allowance Costs:</u>	
Total Cleanup Contractor Costs (This cost category includes estimates for ERRS, subcontractors, Notices to Proceed, and Interagency Agreements with Other Federal Agencies. Include a 20% contingency)	\$ 438,264
<u>Other Extramural Costs Not Funded from the Regional Allowance:</u>	
Total START, including multiplier costs	\$ 77,892
Total Decontamination, Analytical & Tech. Services (DATS)	\$ 0
Total CLP	\$ 0

Subtotal	\$ 77,892
Subtotal Extramural Costs	\$ 516,156
Extramural Costs Contingency (20% of Subtotal)	\$ 103,231
TOTAL REMOVAL ACTION PROJECT CEILING	\$ 619,387

The response actions described in this Action Memorandum directly address the actual or threatened release of hazardous substances, pollutants, or contaminants at the Site which may pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions do not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

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

Given the Site conditions, the nature of the hazardous substances and pollutants or contaminants documented on Site, and the potential exposure pathways to nearby populations described in Section II, III, and IV above, actual or threatened releases of hazardous substances and pollutants or contaminants from this Site, if not addressed by implementing or delaying the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment, increasing the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment.

VII. OUTSTANDING POLICY ISSUES

Using the Framework for Investigating Asbestos-Contaminated Sites, OSWER Directive #9200.0-68 (September 2008), EPA implemented the following step-by-step approach to investigate and characterize the potential for human exposure from asbestos contamination at the Site.

Step 1 – Review historical and current data – EPA reviewed Site records in which ACM was previously identified by the CDAQ sampling investigations.

Step 2 – Has there been (or is there a threat of) a release to the environment? – EPA has confirmed the Site conditions as documented by CDAQ and determined a threat of release of ACM to the environment is present at the Site. According to the Framework if a building has been demolished and asbestos-containing debris is found to remain at the Site, this should be considered a release of potential concern to Superfund.

Step 3 – Is human exposure likely under current or future site conditions?

Recommended Step 3 is intended to help evaluate whether a complete human exposure pathway exists at or near the site under current or reasonably anticipated future site conditions. If it has been determined that a complete exposure pathway to contaminated outdoor soil exists under current conditions, or may reasonably be expected to occur in the future, it may be appropriate either to undertake a response action or to proceed with further investigation of potential exposures at the site.

Due to the unsecured condition of the Site, and the current danger of trespass by vandals, as evidenced by graffiti adjacent to the Site, human exposure is likely under current or future Site conditions.

Based on the factors outlined above, the OSC recommends that a removal be performed to mitigate asbestos exposure at the Site.

The removal involves a nationally significant and precedent-setting issue because the primary driving contaminant addressed by the removal is asbestos. In accordance with redelegation R-14-2, a request for concurrence on actions proposed in the memorandum was sought and obtained from the EPA Office of Emergency Management (OEM).

VIII. ENFORCEMENT

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

The total EPA costs of this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$1,083,491.¹

$$(\$619,387 + \$49,600) + (61.96\% \times \$668,987) = \$1,083,491$$


IX. RECOMMENDATION

This decision document represents the selected removal action for the Wisco Warehouse Asbestos Site, located in Cleveland, Cuyahoga County, Ohio, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based upon the Administrative Record (Attachment I) for the Site. Conditions at the Site meet the NCP Section 300.415(a) criteria for a removal, and I recommend your approval of the proposed removal

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.

action.

The total removal action project ceiling, if approved, will be \$619,387. Of this, as much as \$541,495 may come from the Regional removal allowance.

APPROVE:  DATE: 3/7/2017
Margaret M. Guerriero, Acting Director
Superfund Division

DISAPPROVE: _____ DATE: _____
Margaret M. Guerriero, Acting Director
Superfund Division

Enforcement Addendum

Attachments

- I. Administrative Record Index
- II. EJ Analysis
- III. Site Location Map
- IV. Site Photo Log
- V. Detailed Cleanup Contractor Cost Estimate
- VI. Independent Government Cost Estimate

cc: B. Schleiger, U.S. EPA, 5104A, (email: Brian Schleiger/DC/USEPA/US)
L. Nelson, U.S. Department of Interior, **w/o Enf. Addendum**
(Email: valincia_darby@ios.doi.gov)
Craig Butler, Director, Ohio EPA **w/o Enf. Addendum**
(Email: craig.butler@epa.state.oh.us)
Mike DeWine, Ohio Attorney General **w/o Enf. Addendum**
(Email: Mike.DeWine@ohioattorneygeneral.gov)

BCC PAGE HAS BEEN REDACTED

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

ENFORCEMENT ADDENDUM

HAS BEEN REDACTED – FOUR PAGES

ENFORCEMENT CONFIDENTIAL

NOT SUBJECT TO DISCOVERY

FOIA EXEMPT

NOT RELEVANT TO SELECTION

OF REMOVAL ACTION

ATTACHMENT I

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION**

**ADMINISTRATIVE RECORD
FOR THE
WISCO WAREHOUSE ASBESTOS SITE
CLEVELAND, CUYAHOGA COUNTY, OHIO**

**ORIGINAL
DECEMBER, 2016**

<u>NO.</u>	<u>SEMS ID</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	910006	9/1/01	ATSDR	Public	ToxFAQs Fact Sheet - Asbestos - CAS #1332-21-4	2
2	930109	1/23/14	Wagner, D., City of Cleveland	File	Asbestos Demolition & Renovation Field Data & Inspection Checklist (with Attached Memo) (<i>Redacted</i>)	5
3	930108	11/7/14	White, V., City of Cleveland	Balunek, J.	Notice of Violation - 2525 E. 93rd Street Demolition (<i>Redacted</i>)	2
4	930117	12/23/15	Sanair Technologies Lab	City of Cleveland	Sample Analysis Report	9
5	930111	2/3/16	Butler, C., OEPA	DeWine, M., Ohio Attorney General	Referral of Jondavid Balunek to Ohio Attorney General	1
6	930110	9/9/16	Kavelec, J., OEPA	U.S. EPA	Removal Action Referral Form	6
7	930115	9/30/16	Balunek, J.	Pohl, E., U.S. EPA	Warehouse Survey Map (with Transmittal Email)	2
8	930114	10/3/16	Dougherty, D., Ohio Dept. of Transportation	Pohl, E., U.S. EPA	Email re: DOT Interest in CERCLA Removal Site Property	2
9	930113	11/14/16	Pohl, E., U.S. EPA	Kavelec, J., OEPA	Email re: Request for ARARs for the Wisco Warehouse Site	1
10	930112	11/15/16	Kavelec, J., OEPA	Pohl, E., U.S. EPA	Email re: Response to U.S. EPA Request for ARARs	1

11	930116	12/7/16	Williams, W., Tetra Tech	Augustyn, J., U.S. EPA	Final Removal Assessment Report	55
12	931246	1/27/17	Wagner, D., City of Cleveland	Pohl, E., U.S. EPA	Email re: Demolition Records for Wisco Warehouse Site	25
13	-	-	Pohl, E., and Wolfe, S., U.S. EPA	Ballotti, D., U.S. EPA	Action Memorandum re: Request for Approval and Funding for a Time-Critical Removal Action at the Wisco Warehouse Asbestos Site (<i>PENDING</i>)	-

ATTACHMENT II

EJ Analysis

**WISCO WAREHOUSE ASBESTOS SITE
CLEVELAND, CUYAHOGA COUNTY, OHIO**

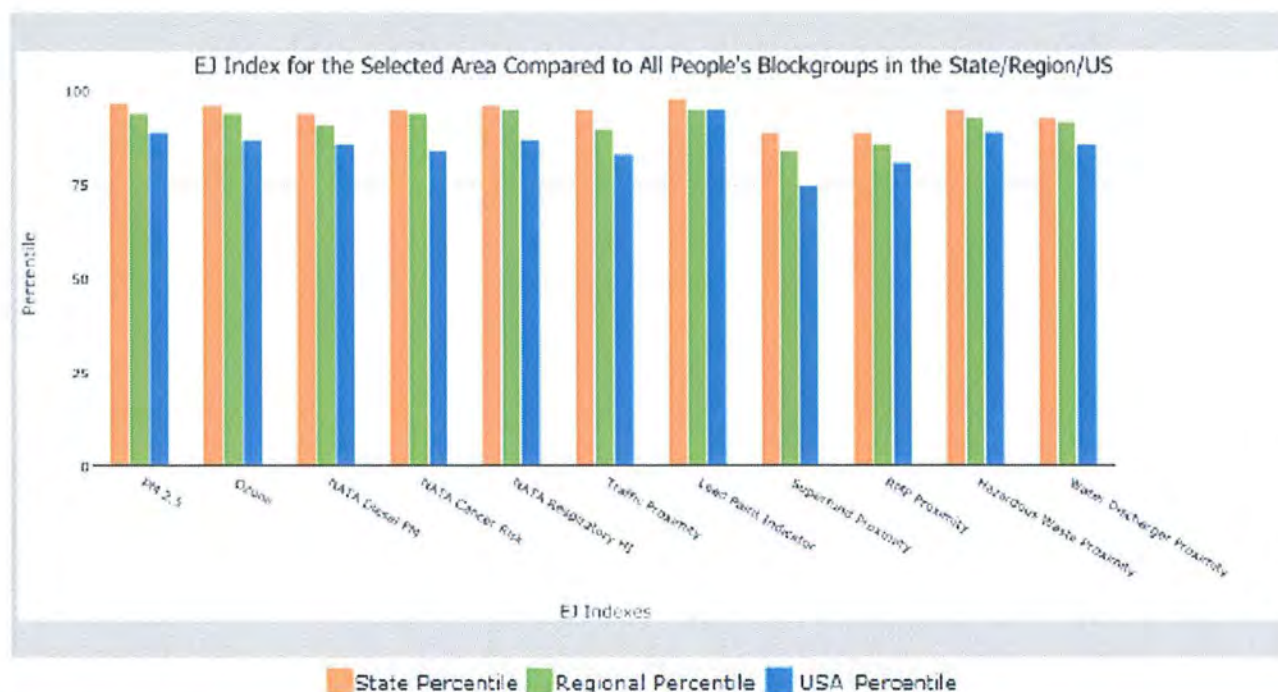
FEBRUARY 2017

1 mile Ring Centered at 41.490139, -81.621002, OHIO, EPA Region 5

Approximate Population: 12,274

Input Area (sq. miles): 3.14

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	97	94	89
EJ Index for Ozone	96	94	87
EJ Index for NATA* Diesel PM	94	91	86
EJ Index for NATA* Air Toxics Cancer Risk	95	94	84
EJ Index for NATA* Respiratory Hazard Index	96	95	87
EJ Index for Traffic Proximity and Volume	95	90	83
EJ Index for Lead Paint Indicator	98	95	95
EJ Index for Superfund Proximity	89	84	75
EJ Index for RMP Proximity	89	86	81
EJ Index for Hazardous Waste Proximity*	95	93	89
EJ Index for Water Discharger Proximity	93	92	86



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

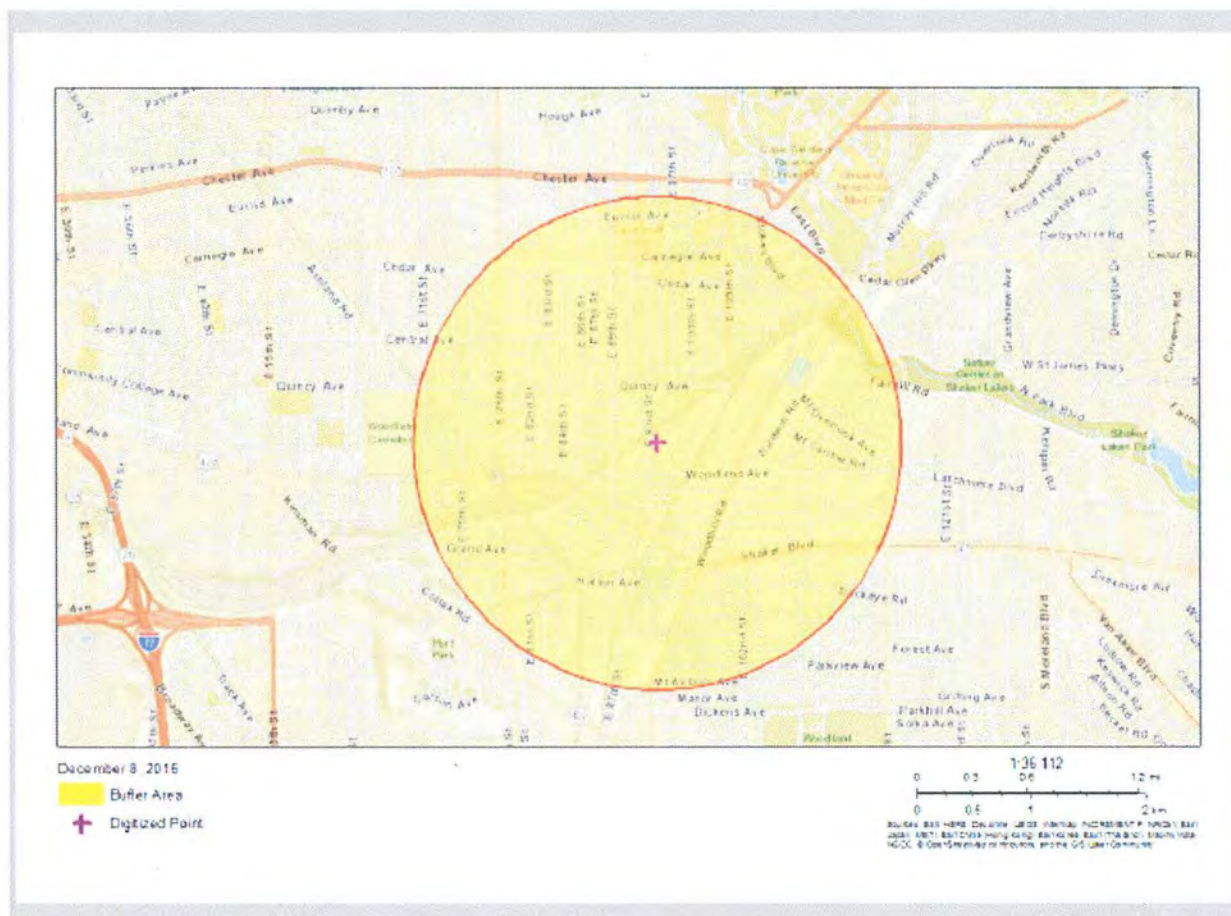
December 08, 201

1/3

1 mile Ring Centered at 41.490139,-81.621002, OHIO, EPA Region 5

Approximate Population: 12,274

Input Area (sq. miles): 3.14



Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	0
National Pollutant Discharge Elimination System (NPDES)	0

EJSCREEN Report (Version 2016)



1 mile Ring Centered at 41.490139, -81.621002, OHIO, EPA Region 5

Approximate Population: 12,274

Input Area (sq. miles): 3.14

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	11.7	11.3	82	10.6	87	9.32	93
Ozone (ppb)	50.2	52.8	13	50.3	42	47.4	62
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	1.11	0.995	62	0.931	60-70th	0.937	70-80th
NATA* Cancer Risk (lifetime risk per million)	41	37	73	34	80-90th	40	50-60th
NATA* Respiratory Hazard Index	2.3	1.8	77	1.7	80-90th	1.8	70-80th
Traffic Proximity and Volume (daily traffic count/distance to road)	310	170	86	370	74	590	70
Lead Paint Indicator (% Pre-1960 Housing)	0.74	0.42	82	0.39	82	0.3	89
Superfund Proximity (site count/km distance)	0.024	0.091	23	0.12	14	0.13	21
RMP Proximity (facility count/km distance)	0.21	0.44	54	0.51	50	0.43	58
Hazardous Waste Proximity* (facility count/km distance)	0.14	0.1	82	0.11	81	0.11	80
Water Discharger Proximity (facility count/km distance)	0.2	0.33	53	0.31	59	0.31	62
Demographic Indicators							
Demographic Index	85%	27%	98	29%	98	36%	97
Minority Population	95%	19%	98	24%	96	37%	94
Low Income Population	75%	34%	94	33%	95	35%	94
Linguistically Isolated Population	0%	1%	68	2%	58	5%	44
Population With Less Than High School Education	29%	11%	94	11%	93	14%	87
Population Under 5 years of age	10%	6%	83	6%	83	6%	81
Population over 64 years of age	15%	15%	55	14%	59	14%	62

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

+ The hazardous waste environmental indicator and the corresponding EJ index will appear as N/A if there are no hazardous waste facilities within 50 km of a selected location.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

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ATTACHMENT III

SITE LOCATION MAP

WISCO WAREHOUSE ASBESTOS SITE
CLEVELAND, CUYAHOGA COUNTY, OHIO

FEBRUARY 2017



ATTACHMENT IV

PHOTO LOG

**WISCO WAREHOUSE ASBESTOS SITE
CLEVELAND, CUYAHOGA COUNTY, OHIO**

FEBRUARY 2017



Site: Wisco Warehouse Asbestos Site
Photograph No.: 1
Direction: Southwest
Subject: General demolition debris on site

Date: 09/20/2016
Photographer: U.S. EPA



Site: Wisco Warehouse Asbestos Site
Photograph No.: 2
Direction: Northeast
Subject: General demolition debris on site

Date: 09/20/2016
Photographer: U.S. EPA



Site: Wisco Warehouse Asbestos Site
Photograph No.: 3
Direction: Unknown
Subject: Abandoned Drums on Site, with graffiti.

Date: 09/20/2016
Photographer: U.S. EPA



Site: Wisco Warehouse Asbestos Site
Photograph No.: 4
Direction: Unknown
Subject: Suspect ACM in debris pile

Date: 10/17/2016
Photographer: TetraTech



Site: Wisco Warehouse Asbestos Site
Photograph No.: 5
Direction: East
Subject: Adjacent Building, with graffiti on wall.

Date: 10/17/2016
Photographer: TetraTech

ATTACHMENT V

DETAILED CLEANUP CONTRACTOR ESTIMATE

HAS BEEN REDACTED – ONE PAGE

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

ATTACHMENT VI

INDEPENDENT GOVERNMENT COST ESTIMATE

HAS BEEN REDACTED – TWO PAGES

NOT RELEVANT TO SELECTION

OF REMOVAL ACTION