



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

ACTION MEMORANDUM

DATE: SEP 18 2017

SUBJECT: Action Memorandum for an Emergency Removal Action at the Riverside Industrial Park Site (RV4) in Newark, Essex County, New Jersey

FROM: David Rosoff, On-Scene Coordinator
Removal Action Branch

THRU: Joseph D. Rotola, Chief
Removal Action Branch

TO: John Prince, Acting Director
Emergency and Remedial Response Division

Site ID: 02PC

I. PURPOSE

The purpose of this Action Memorandum is to document the decision to initiate an emergency response action (RV4) described herein for the Riverside Industrial Park Site ("Site") located in Newark, Essex County, New Jersey. On September 7, 2017, the On-Scene Coordinator ("OSC") requested and was granted verbal authorization pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") to initiate an emergency response action at this Site. Authorization was granted by the Acting Deputy Director of the Emergency and Remedial Response Division ("ERRD"). The verbal authorization granted is for a \$150,000 total project ceiling, of which \$125,000 is for mitigation contracting. This is the fourth removal action at the Site. The previously approved total project ceiling for this Site was \$2,886,000, and the revised mitigation ceiling was \$2,496,000. With this verbal authorization, the new total project ceiling authorized is \$3,036,000, of which \$2,621,000 is for mitigation contracting.

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II. SITE INFORMATION

A. Site Description

Site Name:	Riverside Avenue Industrial Park (RV4)
Superfund Site ID (“SSID”):	02PC
NRC Case Number:	Not Applicable
CERCLIS Number:	NJSFN0204232
Site Location:	29-47 Riverside Avenue Newark, New Jersey 07104
LAT/LONG:	40.7666633/ -74.1593831
Potentially Responsible Party (“PRP”):	City of Newark
NPL Status:	Listed May 2013
Removal Start Date:	September 11, 2017

B. Site Background

1. Removal Site Evaluation (“RSE”)

The Site is a former paint and varnish manufacturing facility located in an industrial area at 29-47 Riverside Avenue in Newark, New Jersey. The Site was listed on the Superfund National Priorities List in May 2013.

During a pre-Remedial Investigation Site walk in June 2017, EPA personnel noticed piles of construction debris that had been recently dumped south of buildings #7 and #12 in the industrial park. This construction debris contained bags labeled “Asbestos”. These bags had been torn open and contents were mixed with other construction and demolition debris in three large piles. Approximately 400 yards of construction debris was observed within these piles. On July 5, 2017, the U.S. Environmental Protection Agency (“EPA”) collected twelve samples of this debris from within these piles. Three of the samples showed friable asbestos containing material (“ACM”) greater than 1%, with a high of 2.39% Chrysotile. Currently, the Site is not secured with evidence of trespassing, illegal dumping and vandalism.

On September 6, 2017, biohazard labeled medical waste (urine sample jars, blood tubes, syringes and biohazard bags) was observed in bags dumped between buildings #7 and #12. Some of this material was no longer in the bags and could be seen scattered on the ground.

The sampling results, along with field observations made by EPA, indicate that conditions at the Site meet the criteria for an emergency removal action under CERCLA, as documented in Section 300.415(b)(2) of the National Contingency Plan (“NCP”).

2. Physical location and site characteristics

The Site is located in an industrial area at 29-47 Riverside Avenue, Newark, New Jersey. The address is divided into several properties, either currently operational or abandoned, within the industrial park. The area of concern for this removal action is an abandoned portion of the Site bordered to the north by other buildings of the industrial park, to the west U.S. Route 21 (McCarter Highway), and to the east by the Passaic River. The approximately one and one-half acre property includes two abandoned multi-story industrial buildings designated as buildings #7 and #12. The City of Newark is the current owner of record of this property. The coordinates for the Site are latitude 40.7666633 and longitude -74.1593831.

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

Illegal dumping has been occurring at the Site. The result of this dumping are three large piles of construction debris containing friable ACM. Approximately 400 yards of this material exists in the three piles. In addition, a fourth pile dumped between buildings #7 and #12 contains biohazard labeled medical waste. Both the ACM and medical waste were in bags that have been ripped open causing the release of the hazardous substances, pollutants, and contaminants into the environment. Asbestos, when friable, is a hazardous substance under CERCLA. Biohazard medical waste is a pollutant or contaminant under CERCLA.

III. THREATS TO PUBLIC HEALTH WELFARE OR THE ENVIRONMENT

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants

There is an ongoing release of hazardous substances and pollutants or contaminants at the Site. Asbestos is designated as a CERCLA hazardous substance under 40 CFR Table 302.4 when friable. Friability is the ease with which a material can be crumbled, pulverized or reduced to powder when dry, by applying hand pressure. The degree of friability of the ACM determines the potential for fibers to be released into the air. Sampling and analysis conducted at the Site has identified friable asbestos present piles of construction debris south of buildings #7 and #12 at the Site. Biohazard labeled medical waste has been dumped in a pile of household and construction garbage between buildings #7 and #12. The property is abandoned, not secured and is subject to active trespassing and vandalism. There is a significant threat to human health for individuals who may come in contact with this uncontrolled release of friable asbestos and/or

biohazard labeled medical waste. Biohazard waste can contain fluids that harbor infectious agents communicable to humans. In addition, the Site is not secured and evidence of trespassing has been observed.

B. Check Applicable Factors (From 40 CFT 300.415), Which Were Considered in Determining the Appropriateness of a Removal Action

- 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)].
- Actual or potential contamination of drinking water supplies or sensitive ecosystems [300.415(b)(2)(ii)].
- Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release [300.415(b)(2)(iii)].
- High levels of hazardous substances, or pollutants, or contaminants in soils largely at or near the surface that may migrate [300.415(b)(2)(iv)].
- Weather conditions that may cause hazardous substances or pollutants to migrate or be released [300.415(b)(2)(v)].
- Threat of fire or explosion [300.415(b)(2)(vi)].
- The lack of availability of other appropriate federal or State response mechanism to respond to the release [300.415(b)(2)(vii)].
- Other situations or factors that may pose threats to the public health or welfare of the United States or the environment [300.415(b)(2)(viii)].

IV. SELECTED REMOVAL ACTION AND ESTIMATED COSTS

A. Situation and Removal Activities to Date

1. Current situation

On September 11, 2017, EPA and its ERRS contractor deployed to the Site to investigate the condition of the waste piles and plan a strategy and schedule to remove the material for proper disposal.

2. Removal activities, to date

Investigations into an October 2009 spill of oily material into the Passaic River from building #12 revealed multiple threats to human health and the environment from the release and threat of release of hazardous substances on the Site. Samples of waste, soil and groundwater contained volatile organic compounds (“VOCs”), semi-volatile organic compounds (“SVOCs”), metals and polychlorinated biphenyls (“PCBs”). The industrial park was listed on the Superfund National Priorities List in May 2013.

At the request of the New Jersey Department of Environmental Protection (“NJDEP”), EPA conducted several CERCLA removal actions at the Site. The first removal action (RV1) conducted in March of 2000 addressed an abandoned trailer containing orphan 55-gallon drums containing hazardous wastes. A second removal action (RV2) was conducted in 2009 as an emergency response to eliminate the discharge of oily waste from on-site tanks to the Passaic River. The third removal action (RV3) was the largest action, to date, and addressed drums, tanks, contaminated liquid and sludge in the basement of building #7 and additional contaminated media located throughout the Site. Work associated with RV3 was completed in 2014.

After the discovery of the waste dumping on the Site in 2017, EPA utilized its Environmental Response Team (“ERT”) to collect samples from the waste piles to determine if friable asbestos was present. On July 5, 2017, 12 debris samples were collected, of which three indicated the presence of friable ACM greater than 1%, with a high of 2.39% chrysotile asbestos.

On September 7, 2017, a verbal authorization was granted by the Acting ERRD Deputy Director to conduct an emergency removal action at the Site. EPA activated the Emergency and Rapid Response Services (“ERRS”) contract and met with contractors on-site on September 11, 2017.

3. Enforcement

The City of Newark is the property owner and has been identified as a Potentially Responsible Party (“PRP”). The City of Newark has indicated that it does not have the funding to perform this removal action.

B. Planned Removal Actions

1. Proposed action description

ERRS visited the Site with EPA personnel on September 11, 2017 in order to plan and schedule forthcoming work. ERRS will secure the Site and perform the removal of the ACM and biohazard labeled waste as quickly as possible. Biohazard labeled medical

waste will be collected and over-packed in a secure container. The ACM contaminated debris piles will be secured as best as possible to prevent trespassing, tampering and potential exposures and releases. Use of signage and temporary fencing will be considered. Long term security options for the Site will be investigated (gates, fences, and Jersey barriers) as well. Once characterized for the disposal facilities, ACM contaminated debris and biohazard labeled medical waste will be loaded and transported off-site for appropriate disposal. The off-site disposal of hazardous waste and/or substances will comply with the CERCLA Off-Site Rule, 40 CFR 300.440. RV4 will mitigate the threat posed by the piles of ACM and the biohazard labeled medical waste found on the Site.

2. Contributions to remedial performance

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the Site. Specifically, the removal of the piles, which currently block access for the Remedial Investigation field work will allow the remedial process to proceed on schedule.

3. Applicable or Relevant and Appropriate Requirements (“ARARs”)

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARAR’s is practicable, the OSC may consider appropriate factors including the urgency of the situation and the scope of the removal action to be conducted.

4. Project schedule

The estimated project schedule is one month in duration.

C. Estimated Costs*

Contractor Costs (ERRS)	\$125,000
Other Extramural Costs (SERAS)	\$ 25,000
Contingency Costs	\$ 0
Total Removal Project Ceiling	\$150,000

*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

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

A delay in action or no action at the Site would increase the actual or potential threats to the public health and/or the environment.

VI. OUTSTANDING POLICY ISSUES

None

VII. APPROVALS

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and is not inconsistent with the National 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. This document confirms the verbal authorization provided on September 7, 2017, for the removal action at the Riverside Avenue Industrial Park Site (RV4). The total project ceiling authorized for this RV4 action is \$150,000, of which \$125,000 was for mitigation contracting.

The previously approved total project ceiling for the Site was \$2,886,000, and the revised mitigation ceiling was \$2,496,000. With this verbal authorization, the new total project ceiling authorized is \$3,036,000, of which \$2,621,000 is for mitigation contracting.

This project was funded from the Regional Removal Allowance.

**VIII. ENDANGERMENT DETERMINATION UNDER CERCLA SECTION 106:
HAZARDOUS SUBSTANCES:**

Actual or threatened releases of hazardous substances from the Site may present an imminent and substantial endangerment to public health, or welfare, or the environment.



Angela Carpenter, Acting Director
Emergency and Remedial Response Division

9-18-17

Date

After Approval:

- Cc: A. Carpenter, ADD
- J. Rotola, ERRD-RAB
- M. Pane, ERRD-RSS
- K. Glenn, ERRD-RAB
- B. Grealish, ERRD-RAB
- M. Mears, PAD
- K. Giacobbe, OPM-GCMB
- P. McKechnie, OIG
- T. Benton, RST

