UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

AUG 22 2018

SUBJECT: Request for Approval and Funding for a Removal Action at the J.H. & C.K. Eagle Mill Site
Kulpmont, Northumberland County, Pennsylvania

FROM: Ann DiDonato, On-Scene Coordinator /AD for AD.
Eastern Response Branch (3HS31)

TO: Karen Melvin, Director
Hazardous Site Cleanup Division (3HS00)

THRU: Michael Towle, Chief FB for MT
Eastern Response Branch (3HS31)

Bonnie Gross, Associate Director /BG for BG
Office of Preparedness and Response (3HS30)

SITE ID# A38D

I. PURPOSE

The purpose of this action memorandum is to request approval and document the need for a time critical Removal Action to prevent and/or mitigate the threatened release of hazardous substances from the J.H. & C.K. Eagle Mill Site, Kulpmont, Northumberland County, Pennsylvania (the Site). A Removal Site Evaluation was performed in March and May 2018 in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300. The Site evaluation identified a threat to public health or welfare or the environment due to a threatened release of asbestos and corrosive liquids, both hazardous substances, at the Site.

The On-Scene Coordinator (OSC) has evaluated the available information pursuant to the NCP, 40 C.F.R. Part 300, and has determined that a removal action is necessary to abate the threats at the Site. The proposed activities include the removal and proper disposal of containers (e.g., drums) of hazardous substances and the removal and proper disposal of asbestos and Asbestos Containing Material (ACM). These actions will prevent or minimize releases of hazardous substances, human exposure to hazardous substances, and the movement/migration of hazardous substances from the Site into the environment and the surrounding residential area.

II. SITE CONDITIONS AND BACKGROUND

A. Site Description and Background

The Site is located at 1340-1400 Chestnut Street, Kulpmont, Pennsylvania, and was originally the J.H & C.K. Eagle Mill, used for various textile manufacturing businesses for approximately 90 years. The final textile manufacturing business ceased in late 2001. Other non-textile related businesses operated at the location until 2011 and the property has remained unoccupied since that time. In 2012, the property was purchased by PAD Kulpmont, LLC which has not operated any business at the location. The Site is in an area that is primarily residential, with row homes, apartments or closely spaced homes bordering three sides of the Site.

The Site includes three individual warehouse buildings that have fallen into disrepair and have been the subject of vandalism and trespass. Attached to the original and largest warehouse building is an 'upper' or 'oil fed' boiler room and a 'lower' or 'coal fed' boiler room. These boiler rooms are adjacent to each other on different levels. Above the boiler rooms are two smoke stacks, one built from brick and one constructed from metal.

The lower boiler room extends approximately ten feet above the street level to approximately fifteen feet below street level and is in a dangerous state of deterioration. The windows of the lower boiler room have been broken and the roof has been compromised and has partially collapsed. The dilapidated state of the building's roof and windows has allowed precipitation and weather to enter the interior of the building and has impacted the structural integrity of both boiler rooms. As a result of the weather impacts, portions of the concrete ceiling of the upper boiler room have fallen next to an area where several drums are located. As the roof over the lower boiler room is open to the elements, it has caused the asbestos therein to become compromised and unbound. In the lower boiler room, the asbestos pipe wrap and boiler wrap has eroded and fallen onto the floor. The two smoke stacks located over and adjacent to the boiler rooms are leaning and/or have foundations that are severely eroded.

The Borough of Kulpmont contacted the Pennsylvania Department of Environmental Protection (PA DEP) in May 2014 due to concerns with the facility related to drums on the Site. PA DEP attempted to compel the property owner to remove the drums and complete an asbestos mitigation. In December of 2014, PA DEP issued a 'Notice of Violation' (NOV) citing non-compliance with environmental laws. The NOV referred to multiple drums containing unknown materials and waste asbestos at the Site. In April 2015, PA DEP completed a follow up Site visit and noted that no attempts had been made to mitigate conditions at the Site.

On May 22, 2017, the EPA Region 3 Acting Regional Administrator received a letter from Kulpmont Borough in which EPA assistance was requested with the "liquids and asbestos in the building". On May 23, 2017, the OSC met with the Kulpmont Borough Codes

Enforcement Officer, the Fire Chief, the Assistant Fire Chief and the Northumberland County Emergency Management Coordinator in the publicly accessible areas of the property. The OSC observed that the buildings on the Site were in poor condition, numerous windows had been/were broken and many access areas to the buildings had been covered with plywood. The OSC was informed by the Kulpmont Borough Codes Enforcement Officer that the buildings were frequently broken into and that a teenager had been injured by equipment inside one of the buildings while trespassing several years ago. The Site was unfenced and the OSC observed tanks and drums inside the open door in one of the buildings. During the visit, the OSC was informed that PA DEP had visited the Site numerous times in the past but had been unable to compel the land owner to complete the cleanup.

Between May 31, 2017 and August 23, 2017, the OSC exchanged emails with a principal of PAD Kulpmont LLC in an unsuccessful effort to obtain access to conduct an assessment of the Site. By letters dated December 8 and 27, 2017, the Region 3 Office of Regional Counsel formally requested consent from the company. PAD Kulpmont LLC did not respond to these letters.

On December 14, 2017, PA DEP Bureau of Investigation (BOI) photo documented the presence of drums, tanks and asbestos in the upper and lower boiler rooms. BOI's investigation revealed that the roof in parts of the boiler rooms on the Site has collapsed and/or had been compromised.

On February 12, 2018, EPA Region 3 requested that the Department of Justice obtain a warrant authorizing entry to conduct an assessment. On March 14, 2018, the U.S. District Court for the Middle District of Pennsylvania issued the warrant.

B. Removal Site Evaluation

On March 20 – 22 and May 9, 2018, EPA completed a Removal Site Evaluation at the Site. All above-ground or partially above-ground floors in all three warehouses were fully assessed to determine if hazardous substances were present. The lower boiler room and steam tunnels between the buildings could not be fully assessed due to structural or other safety concerns.

Empty or previously spilled paint and lacquer materials were found on several floors in several of the buildings. Asbestos pipe wrap was found to be present on most of the piping in all three warehouses; however, the wrap was mostly intact or only partially eroded with the exception of the wrap contained in the upper and lower boiler rooms which is further described below.

Samples were collected from drums and from insulation-type materials located within the upper and lower boiler rooms in March 2018. Corrosive liquids of pH 12 to 14, according to a field pH test kit, were present in the upper boiler room. Laboratory analysis of one of the drums of corrosive showed a pH of 12.86, which indicates that the liquid is

characteristically corrosive pursuant to 40 CFR 261.22. That particular drum is leaking. Additionally, a mixture of liquid organic compounds and metals are present within the corrosive materials contained in the drums. A thorough sampling of all drum contents was not completed due to safety concerns.

The lower boiler room extends approximately ten feet above the street level to approximately twenty feet below street level and is in a dangerous state of deterioration. The windows of the lower boiler room are broken and the roof is compromised and has partially collapsed. The dilapidated state of the roof and windows allows precipitation and weather extremes to affect the interior and structural integrity of both boiler rooms. As a result of these weather impacts, portions of the concrete ceiling of the upper boiler room have fallen next to an area where several drums are located. As the roof over the lower boiler room is open to the elements, it has caused the asbestos therein to become compromised and unbound. In the lower boiler room, the asbestos pipe wrap and boiler wrap has eroded and fallen onto the floor. The two smoke stacks located over and adjacent to the boiler rooms are leaning and/or have foundations that are severely eroded.

Amosite asbestos fibers were detected in contractor personnel air monitoring samples taken during the limited assessment. Due to structural instability concerns in the boiler rooms a thorough assessment was not completed.

On May 9, 2018, a structural evaluation of the Site was completed. The two smoke stacks located above the boiler rooms as well as a portion of the ceiling/walls within the boiler rooms were found to be structurally unsound. Most of the remaining portions of the warehouses were found to be structurally stable. In some areas broken windows or adjacent roof/wall leaks were impacting the stability of the floors, however the damage was not widespread.

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

Plastic drums in the upper boiler room contain corrosive liquid materials and other organic compounds and several drums are leaking or have been compromised. Metal drums in the lower boiler room were severely damaged and were not completely accessible. Piles of metal and other materials mixed with asbestos containing debris in the lower boiler room may be covering additional drums or containers. Contact with corrosive liquids will cause immediate harm and may cause the destruction of skin tissue among other injuries. Liquids with a pH above 12.5 are characteristically corrosive according to 40 CFR 261.22 and defined to be hazardous substances in accordance with 40 C.F.R. section 302.4.

Asbestos was detected in 3 of the 4 bulk material samples collected from materials which had fallen onto the floor of the lower boiler room or were crumbling from piping. Laboratory

analysis determined that the bulk samples contained up to 48% asbestos (Chrysotile and Amosite). Asbestos is a hazardous substance as defined by 40 C.F.R. Section 302.4. Personnel air sampling meters worn by contractors during the limited sampling event showed the presence of Amosite asbestos fibers. Friable 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.

"Friable asbestos material" is defined by National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations at 40 C.F.R. § 61.141 as "any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure." Asbestos located in the upper and lower boiler rooms is continually exposed to the elements which may result in airborne migration of asbestos to the surrounding residential community through the openings now present in the deteriorated building.

In addition to friable asbestos and corrosive liquids, other hazardous substances, pollutants or contaminants may be present in the debris piles in the lower boiler room. Structural safety concerns prevented EPA from fully characterizing the contents of the debris piles.

Based upon the information obtained during the assessment activities, the OSC believes that Site conditions are likely to continue to deteriorate if appropriate measures are not taken. Hazardous substances may be released into the environment as a result of events such as weather, fire and/or trespass. Trespassers have entered the property, including the buildings, in the past. Without maintenance, the condition of the buildings, including the smokestacks, is likely to continue to deteriorate. This deterioration may be accelerated by the effects of weather such as wind and rain.

D. National Priorities List

The Site is not proposed to be included on the National Priorities List (NPL).

E. State and Local Authorities' Roles

On May 22, 2017, the EPA Region 3 Acting Regional Administrator received a letter from Kulpmont Borough in which EPA assistance was requested with the "liquids and asbestos in the building". EPA has coordinated with the Borough of Kulpmont, Northumberland County Emergency Management and PA DEP during all Site activities and will continue to do so.

State and local government agencies are not able to undertake timely response actions to eliminate the threats posed by the Site. The state and local governments do not have the resources to conduct the required cleanup action.

All local and state authorities have indicated that they will support EPA during this removal action. The OSC will continue to update the state and local community concerning any actions at the Site.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a Removal Action. Paragraph (b)(2)(i), (iii), (v) and (vii) of Section 300.415 directly apply to the conditions at the Site.

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"

The hazardous substances present at the Site include corrosive liquids and friable asbestos. Contact with corrosive liquids will cause immediate harm and may cause the destruction of skin tissue among other injuries. Friable asbestos is of concern because chronic inhalation exposure to asbestos fibers suspended in air can result in lung diseases such as asbestosis, mesothelioma and lung cancer.

Residential areas are located directly to the east, south and west of the Site. Row home residences are located within a few feet west of the Site and one home uses a portion of the building for shade. Trespassing is a continual issue at the Site. Prior to the termination of electric service to the facility, a teenager became entangled in a conveyor belt and was injured. Both residents and trespassers may become exposed to hazardous substances located at or released from the Site if further action is not taken. The potential release of hazardous substances may increase due to the continued weathering and deterioration of buildings or sudden collapse of the smoke stacks. The collapse of the smoke stacks on to the boiler rooms or warehouses will likely result in the release of asbestos into the environment through the openings in the windows and the compromised structure of the building.

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 were found to be present in the upper boiler room and one drum had leaked a portion of contents onto the floor. Field pH tests were conducted and three of the six accessible drums were found to have a pH of 12 to 14. Laboratory pH of the separated and partially frozen drum contents ranged from 12.22 to 12.86. These drums are in a building subject to entry by trespassers and have already leaked some of their contents as evidenced by the appearance of spilled liquids in the boiler rooms. It is not yet known if these buildings have connection to the outside environment through drains or other features through

which spilled liquids may migrate. In addition, it appears that additional drums and containers are buried in piles of asbestos-impacted debris in the lower boiler room.

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

The former J.H & C.K. Eagle Mill Site has been unoccupied since 2011. The roof over the lower boiler room is open in many areas and cannot be secured due to the age of the building and associated structural concerns. Friable asbestos is present in close proximity to the openings and has become impacted by wind and precipitation. Further weathering and degradation of asbestos may cause the asbestos to become airborne and exit existing openings leading to a release of hazardous substances into the community.

The smoke stacks at the Site are structurally unsound. It is unknown at this time if asbestos is contained within the smoke stacks. The brick smoke stack has been impacted by weather and is currently held upright by a metal stairway structure. Bricks and mortar located near to the base of the smoke stack have eroded, further undermining the structural stability. Guy wires for the metal smoke stack have become detached from the warehouse. Continued weathering of the base of the brick smoke stack or further detaching of the remaining guide wires of the metal smoke stack may lead to the collapse of the structures. Due to the close proximity of these structures to the upper and lower boiler rooms, the release of asbestos and other hazardous substances contained in drums is likely to occur following collapse.

300.415 (b) (2) (vii) "The availability of other appropriate federal or state response mechanisms to respond to the release"

The Borough of Kulpmont, Northumberland County and PA DEP have indicated that they do not have the resources to fund response actions.

IV. ENDANGERMENT DETERMINATION

Based upon information gathered during the assessment of the Site, as described above, the actual or threatened releases of hazardous substances from this Site, may present an imminent and substantial endangerment to public health, welfare or the environment.

V. PROPOSED ACTIONS AND COSTS

The proposed action is intended to mitigate the threat posed to the public health and welfare due to the threatened release of hazardous substances from the Site. As the planned actions will completely

remove the hazardous substances causing the threat to human health or the environment, from the boiler rooms, Post Removal Site Controls are not necessary.

A. Proposed Actions

1. Description of Proposed Actions

a. Assess the two structurally unstable smoke stacks to determine presence of asbestos or Asbestos Containing Materials (ACM);
b. Dismantle the two smoke stacks to remove ACM (if present) and to prevent them from collapsing, and to allow for safe access to other portions of the Site;
c. Remove and prepare for off-site disposal friable asbestos and ACM from the smoke stacks;
d. Dispose off-site uncontaminated debris from the dismantlement of the smoke stacks.
e. Reinforce/install brackets in the roof and wall areas of the upper and lower boiler rooms to safely secure the areas;
f. Characterize the contents of drums and other containers previously unsampled due to safety issues;
g. Remove, sample and prepare for off-site disposal friable asbestos, debris and ACM from the upper and lower boiler rooms;
h. Remove and prepare for off-site disposal hazardous substances found in drums and other containers at the Site; and
i. Dispose off-site, in accordance with CERCLA § 121(d)(3) and 40 C.F.R. Section 300.440, asbestos, ACM, and other hazardous substances removed pursuant to (c), (g), and (h), above.

2. Contribution to remedial performance

The Site is not proposed to be included on the NPL.

3. Compliance with ARARs

The proposed Removal Action will comply with Federal and State applicable or relevant and appropriate environmental regulations ("ARARs") to the extent practicable considering the exigencies of the situation.

The OSC has identified the following as relevant and appropriate to this action:

- The substantive requirements of 40 C.F.R § 61.145 (c) (Procedures for Asbestos Emission Control).

The OSC formally requested State ARARs from PA DEP in an email dated May 25, 2018. On June 15, 2016, PA DEP identified the following as potentially relevant and appropriate for this action:

- 25 Pa Code Chapters 285 (Residual Waste Landfills) and 299 (Storage and Transportation of Residual Waste).

The OSC and PA DEP will continue to identify and evaluate ARARs as Site work proceeds. All work will be completed in coordination with the State and local authorities.

B. Project Schedule

Implementation of the proposed scope of work is expected to take approximately 6 months to complete.

C. Estimated Costs

As asbestos and physical hazards are removed, a more thorough evaluation of the amount of hazardous substances and threats and pollutants and contaminants presented can be accomplished. Should asbestos be found in the material comprising the smoke stacks, the costs for dismantling the stacks may increase. The costs identified in this memo account for these contingencies.

The proposed distribution of funding is as follows:

Regional Removal Allowance Costs	
Total Cleanup Contractor Costs (ERRS	$1,127,991
Other Extramural Costs Not Funded from the Regional Allowance (START/CLP)	$117,808
Extramural Contingency	$249,160
Total Removal Action Project Ceiling	$1,494,959

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

If a removal action is not taken or is significantly delayed, the threatened release of hazardous substances to the environment (including the surrounding community) will continue and an actual release may occur. The facility continues to fall into further disrepair as the property owner has refused to mitigate or secure the property further.

VII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues related to the proposed Removal Actions at this Site.

VIII. ENFORCEMENT

See the attached Confidential Enforcement Addendum.

The total EPA costs for this removal action based upon full-cost accounting practices that will be eligible for cost recovery are estimated to be $ 2,564,885.[1]

Direct Extramural Costs	$ 1,494,959
Direct Intramural Costs	$ 110,000
Total, Direct Costs	$ 1,604,959
Indirect Costs (59.81 % x Direct Costs)	$ 959,926
Estimated EPA Costs for a Removal Action	$ 2,564,885

IX. RECOMMENDATION

This decision document represents the proposed removal action for the J.H. & C.K. Eagle Mill Site, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. Because conditions at the Site meet the criteria in Section 300.415(b) of the NCP for a removal action, I recommend your approval of the proposed removal action.

By signing this Action Memorandum, you are also hereby establishing the documents listed in Attachment C as the Administrative Record supporting the selection of the removal action identified in this document pursuant to Section 113 (k) of CERCLA, 42 U.S.C § 9613 (k), and EPA Delegation 14-22.

APPROVED: Karen Kelburn DATE: AUG 22 2018

[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.

DISAPPROVED:_____ DATE:_____

Attachments:

A. Confidential Enforcement Addendum
B. Administrative Record Index

Administrative Record Index

- Letter from Kulpmont Borough to R3 Acting Administration Cecil Rodrigues, May 16, 2017
- Email from Andrea Ryder, Air Quality District Supervisor, Pennsylvania Department of Environmental Protection (PA DEP), May 23, 2017
- PA DEP Standard Detail Report: PAD Kulpmont, LLC. Property (pulled January 5, 2018): PA DEP Complaints & Inspections, March 18, 2014 to December 10, 2014
- PA DEP General Inspection Report: PAD Kulpmont, LLC. Property, December 9, 2014
- PA DEP Notice of Violation: PAD Kulpmont, LLC., December 10, 2014
- Photographic Log + Photographs, PA DEP Bureau of Investigations, December 14, 2017
- J.H. & C.K. Eagle Mill Emergency Assessment, May 23, 2018
- Asbestos Analysis of Air Samples, J.H. & C.K. Eagle Mill, May 20, 2018

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

AUG 2 2018

SUBJECT: Request for Concurrence on Proposed Nationally Significant or Precedent-Setting Removal Action at the J.H. & C.K. Eagle Mill Site, Kulpmont, Northumberland County, Pennsylvania

FROM: Karen Melvin, Director
Hazardous Site Cleanup Division (3HS00)

TO: Reggie Cheatham, Director
Office of Emergency Management

The purpose of this memorandum is to request your concurrence on the proposed removal action at the J.H. & C.K. Eagle Mill Site, Kulpmont, Northumberland County, Pennsylvania. Redelegation of Authority R-14-2 gives you the authority to concur on nationally significant or precedent-setting removals.

The OSC has discussed this proposed removal action with staff of the Office of Emergency Management. The proposed action is considered nationally significant or precedent setting because the proposed action mitigates asbestos as the principal contaminant of concern.

The Action Memorandum is attached for your review. My approval awaits your concurrence.

Concur

Director, Office of Emergency Management — Date 8/21/18

According to the redelegation, authority to non-concur remains with Assistant Administrator. If you choose not to concur on this action, please forward this memorandum to the Assistant Administrator.

Non-Concur

Assistant Administrator for Solid Waste and Emergency Response — Date