



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Denver, CO 80202-1129
Phone 800-227-8917
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Ref: 8EPR-ER

ACTION MEMORANDUM

SUBJECT: Request for Funding and Approval of a Time-Critical Removal Action for the La Junta Asbestos Site, La Junta, Otero County, Colorado

FROM: Joyce Ackerman
Federal On-Scene Coordinator

THRU: Laura Williams, Unit Leader
Emergency Response

Laura Williams 10/15/18

Sandy A. Stavnes, Deputy Assistant Regional Administrator
Office of Ecosystems Protection and Remediation

TO: Betsy Smidinger, Assistant Regional Administrator
Office of Ecosystems Protection and Remediation

Site ID#: A8V8

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the time-critical removal action (TCRA) described herein for the La Junta Asbestos Site (Site) located in the City of La Junta, Otero County, Colorado.

The Removal Action involves the demolition, cleanup and proper disposal of four abandoned buildings that are collapsed and/or burned as well as debris piles known to contain friable asbestos. The Site was identified by the City of La Junta as a safety concern, posing a potential asbestos exposure threat to nearby residents, children, and community members. Conditions at the Site present a threat to public health and the environment and meet the criteria for initiating a removal action under 40 CFR § 300.415(b) of the National Contingency Plan (NCP).

This removal action is considered nationally-significant or precedent-setting because it involves asbestos as the principal contaminant of concern. This removal action will not establish any precedent for how future response actions will be taken and will not commit the U.S. Environmental Protection Agency (EPA) to a course of action that could have a significant impact on future responses or resources.

II. SITE CONDITIONS AND BACKGROUND

Site Name:	La Junta Asbestos Site
Superfund Site ID (SSID):	A8V8
Operable Unit	N/A
NRC Case Number:	N/A
CERCLIS Number:	CON000820922
Site Location:	La Junta/Otero County/Colorado
Lat/Long:	37.9777/-103.5392
Potentially Responsible Party:	See Confidential Enforcement Memorandum
National Priority List (NPL) Status:	N/A
Planned Removal Start Date:	1 st Quarter FY 2019

A. Site Description

1. Removal Site Evaluation

In 2018, the City of La Junta and the Colorado Department of Public Health and Environment (CDPHE) requested an EPA removal assessment on some burned and/or abandoned buildings and debris piles in the City. The buildings are either partly to wholly destroyed or are in imminent danger of collapsing. Three of the four buildings were residential houses and the fourth was originally a hotel, later converted to apartments. All four were abandoned by the owners and condemned by the City. Certified asbestos consultants were contracted by either the City or a property owner to determine if asbestos was present in the remains of the building materials. Sampling and laboratory analysis showed that friable asbestos was present in the remains of the buildings and debris piles. The consultants' reports are provided in the Administrative Record for this Site. Photographs of the buildings are provided in Attachment 2.

An EPA On-Scene Coordinator (OSC) reviewed the consultants' reports and conducted a removal site inspection (RSI) on July 5, 2018. Descriptions of the four structures are provided below.

- 1119 Smithland Avenue – This residential house burned approximately three to four years ago. In 2016, the owner of the home contracted with a certified asbestos inspection company to conduct a limited asbestos survey. The consultant's report noted that the fire "...severely damaged the entire home," "some areas of the home were no longer standing," and "some areas were deemed too unsafe to get to." The consultant took samples of materials in debris piles suspected to contain asbestos. Asbestos-containing materials (ACM) were found in big and small broken fragments of siding throughout the debris piles, and texture on drywall. Chrysotile asbestos concentrations ranged from 1 to 20 percent. The property was abandoned by the owner and condemned by the City. Despite the building damage, trespassers continued to enter the property and created a methamphetamine lab in the ruins of the

basement. Because of chronic trespassing and safety concerns, the City received State approval to demolish the building to prevent any further access. The City erected a temporary fence around the pile of contaminated debris, but this would not keep out a determined trespasser. There are occupied homes immediately adjacent to the property and in the surrounding neighborhood.

- 1501 Edison Avenue – This residential house burned approximately three to four years ago. The property owner died and the remains of the house were condemned by the City. The roof is caved in and the interior and basement contain debris piles. A 2017 asbestos consultant's report documents that "a majority of the building materials in the structure have been verified as asbestos containing materials in areas deemed safe to obtain samples (textured drywall, linoleum, heat board, metalbestos)." Chrysotile asbestos concentrations ranged from 2 to 20 percent. There are no fences or restrictions to prevent trespassers, children, or community members from accessing the property. There are occupied homes immediately adjacent to the property and in the surrounding neighborhood. A high school is also near this property.
- 218 Dalton Avenue – This residential property, built in 1946, became dilapidated and unlivable in approximately 2007. The roof partially fell off the house. The City initiated condemnation procedures in 2018. In response, the property owner began an illegal demolition of the house without determining whether ACM was present. The City conducted an enforcement action, but the house was nearly 50 percent demolished before the owner was stopped. The owner abandoned the property. A 2018 asbestos consultant's inspection report documented the presence of ACM in drywall texture, joint compound, drywall mud, skimcoat, wall tile backing, and flooring. Chrysotile asbestos concentrations ranged from 1 to 6 percent. There are no fences or restrictions to prevent trespassers, children, or community members from accessing the property. There are occupied homes immediately adjacent to the property and in the surrounding neighborhood.
- 122 Carson Avenue – This two-story building was built in 1906; it was a hotel at one time and later converted to a business on the first floor and apartments on the second floor. City officials reported that it burned a few years ago. The property was abandoned by the owner and condemned by the City. The City of La Junta made the formal determination that the building is structurally unsound. During the EPA RSI, it was visually obvious that the north wall was bowing outward and may be in imminent danger of collapse. An asbestos inspector hired by the City fell through the first floor upon entering the building. The 2018 asbestos inspection report documented the presence of ACM in textured plaster in numerous rooms throughout the first and second floors of the building. Chrysotile asbestos concentrations in samples from these rooms ranged from 1 to 2 percent. The basement was inaccessible due to flooring and wall damage, but the inspector accessed a coal chute which led to the basement and observed a boiler system with

insulation and assumed it to be ACM. Samples of the insulation could not be taken due to safety issues with entering the basement. There is a low, unlocked fence around the building that would not deter trespassers. A City official stated that trespassers jump on a low portion of roof and enter the building through a missing portion of wall. There are occupied homes immediately adjacent to the property and in the surrounding neighborhood.

There has been a release of friable asbestos to the environment from the ACM-contaminated debris piles at three properties and there is a threat of release of friable asbestos to the environment at the 122 Carson property from the missing portion of wall and imminent threat of collapse of the building. There is continued trespassing and no adequate access restrictions to nearby children or residents at any of the properties.

The City of La Junta and CDPHE requested assistance from the EPA Emergency Response Unit for a cleanup of the four properties and proper disposal of the ACM waste. The exposure of the debris piles to weather events and increasing damage to the building at 122 Carson pose an asbestos inhalation threat to nearby residents and community members.

2. Physical Location

The Site is located in the City of La Junta in Otero County, Colorado (Attachment 1). The City is located in southeast Colorado and the properties that comprise the Site are all in or adjacent to residential neighborhoods. Because the noncontiguous facilities are reasonably related on the basis of geography, the threat, and the potential threat to public health or welfare or the environment, EPA is treating these facilities as one site.

3. Site Characteristics

The City population was 7,077 at the 2010 census. The properties are located in and adjacent to residential neighborhoods. There are either no fences at the properties or inadequate fences, which would not prevent children, trespassers, or community members from accessing the Site. Piles of ACM-contaminated debris are present at three of the properties, which could allow additional releases of asbestos. At the two-story building at 122 Carson, a portion of a wall is missing and the building is in imminent danger of collapse such that wind, rain and snow could cause further deterioration of the building and allow releases of asbestos.

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

The known contaminant of concern at the Site is chrysotile asbestos, which is a hazardous substance as defined by Section 101 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). There has been a release of friable asbestos to the environment from the ACM-contaminated

debris piles at three properties and there is a threat of release of friable asbestos to the environment at the 122 Carson property from the missing portion of wall and imminent threat of collapse of the building. As the remains of the buildings continue to deteriorate from weather events, vandalism, and structural collapse, there is a threat of additional releases of asbestos fibers to the environment from ACM-contaminated debris and damaged building materials. Asbestos is a solid material with a variety of forms, including chrysotile, which was found at the Site. Asbestos is highly resistant to heat and has exceptional tensile strength, both of which are characteristics that lend themselves to use in ordinary building materials. Asbestos tends to become brittle over time, shattering into fiber bundles due to age and weathering, and is referred to as being friable. Subsequently, the friable fiber bundles can further degrade into microscopic fibers that can be distributed into the air. Human exposure to these airborne asbestos fibers via inhalation has been proven to cause asbestosis, cancer, mesothelioma, and other respiratory diseases. There is potential for human exposure to Site-related asbestos in the surrounding residential areas from releases of asbestos into the environment and to anyone who accesses the properties.

5. NPL Status

This Site is not on the NPL, nor is it currently proposed for inclusion on the NPL.

6. Maps, Pictures and Other Graphic Representations

A Site map is provided in Attachment 1 and photos are provided in Attachment 2.

B. Other Actions to Date

1. Previous Actions

The City of La Junta and an owner of one of the properties contracted with certified asbestos inspectors to conduct inspections of the remains of the buildings to determine if ACM was present. The City condemned all four properties due to the safety concerns, and has cleared non-ACM trash and debris from the outer yards of the properties. The City made a formal determination at 122 Carson that the building is structurally unsound; therefore, it would not be possible to conduct asbestos abatement inside prior to demolition. After trespassers established a meth lab in the basement of the property at 1119 Smithland, the City received permission from the State to demolish the remains of the building to prevent further access and erected a temporary fence around the contaminated debris pile.

2. Current Actions

The City of La Junta has provided assessment reports to EPA regarding ACM at the properties.

C. State and Local Authorities' Roles

1. State and Local Actions to Date

CDPHE and the City requested assistance from EPA Region 8's Emergency Response Unit. The City has numerous blighted and burned properties to address, many with ACM, and City resources are not sufficient to conduct cleanup at all of them in a timely fashion. CDPHE wrote a letter to EPA Region 8 on July 25, 2018, to request a CERCLA removal action at two of the properties, stating that their limited Brownfields resources are not sufficient to address the environmental exposures posed by the properties. Two additional properties were identified by the OSC during the RSI, for a total of four properties described in this Action Memorandum.

2. Potential for Continued Tribal/Local Response

Neither the state nor the local authorities have the resources to conduct the proposed removal action at this Site.

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

Conditions at the Site present a threat to public health and the environment, and meet the criteria for initiating a removal action under 40 CFR 300.415(b) of the NCP.

EPA has considered all the factors described in 40 CFR 300.415(b)(2) of the NCP and determined that the following factors apply at the Site:

“(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, or pollutants or contaminants:”

The remains of the buildings pose a direct threat to public health and welfare because children, trespassers, and other community members could be exposed to the asbestos fibers released from the contaminated debris piles. ACM at the building at 122 Carson could be released to the environment from the missing portion of wall and any additional breaches or collapse of the walls or roof caused by weather damage, settling of the building, fires, or vandalism. There are no adequate access restrictions to prevent exposure to nearby community members at any of the four properties.

“(v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released:”

The remains of the buildings and debris piles are all in poor condition, either completely open to the environment or with a missing portion of wall and other deficiencies. Weather events including wind, rain and snow will cause continued degradation of the remaining portions of the structures and debris piles.

“(vii) The availability of other appropriate federal or state mechanisms to respond to the release.”

No other local, state, or federal agency is in the position or has the resources to independently implement a timely, effective response action to address the ongoing threat presented by the Site.

IV. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

Three of the four structures have been partly to wholly destroyed and the fourth property is structurally unsound and in imminent danger of collapse. EPA will clean up the debris piles at the three destroyed structures and conduct demolition and cleanup of the fourth structure at 122 Dalton which is structurally unsound. EPA and its contractors will determine if any building components can be segregated from ACM during the demolition and cleanup process and managed as uncontaminated construction and demolition debris for disposal purposes. All contaminated building debris at these properties will be managed as ACM for disposal purposes. All cleanup activities that will disturb ACM will be conducted using adequately wet methods to prevent the migration of asbestos fibers. All ACM-contaminated debris and any non-contaminated construction and demolition debris will be properly disposed at permitted landfills. No post-removal site controls are anticipated to be necessary following the removal action.

The City has signed EPA’s access agreement for the two City-owned properties. The City is assisting EPA with obtaining signed access agreements for the two privately-owned properties.

EPA will identify a landfill allowed to accept ACM that is in compliance with the off-site rule (40 CFR section 300.440).

2. Contribution to Remedial Performance

It is anticipated that no further action will be required for cleanup following the proposed removal action.

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

An EE/CA is not required for a time-critical removal action.

4. Applicable or Relevant and Appropriate Requirements (ARARs)

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable considering the exigencies of the situation. In determining whether compliance with ARARs is practicable, EPA may consider appropriate factors including

the urgency of the situation and the scope of the removal action to be conducted. EPA contacted CDPHE regarding potential ARARs that EPA should consider and received a reply. The identified ARARS are in Attachment 3. The ARARS include but are not limited to the Colorado Control of Hazardous Air Pollutants Regulation 8, which establishes requirements for abatement of asbestos-contaminated structures. The State of Colorado also identified the Colorado Solid Waste Disposal Sites and Facilities Regulations, 6 CCR 1007-2 § 5.3 as an ARAR. Section 5.3 outlines certain requirements for the landfill that receives asbestos waste, which will be satisfied through compliance with the CERCLA Off-Site Rule.

5. Project Schedule

The removal action is anticipated to begin in the fall of 2018. All removal activities should be completed within six weeks of the beginning of on-site activities.

B. Estimated Costs*

Extramural Costs:

Contractor costs (ERRS/START/travel/equipment)	\$440,000
Other Extramural	\$0
Subtotal	\$440,000
Contingency Costs (20 % of Subtotal)	\$88,000
Total Removal Project Ceiling	\$528,000

*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 this Site would increase the actual or potential threats to the public health and/or the environment.

VI. OUTSTANDING POLICY ISSUES

Removals involving asbestos as a principal contaminant are one of seven categories designated as nationally significant or precedent-setting. Specific procedures are required for requesting Headquarters' concurrence on these actions.

According to EPA's Superfund Removal Guidance for Preparing Action Memoranda, September 2009, removals involving asbestos, when it is the principal contaminant of concern, require Headquarters' concurrence because action levels for response have not yet been set and these determinations are being made on a case-by-case basis (OSWER 9345.4-05).

VII. ENFORCEMENT

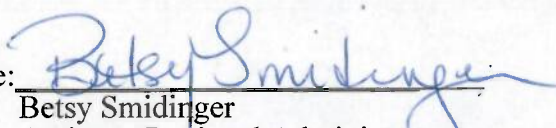
A separate Enforcement Addendum has been prepared providing a confidential summary of current and potential future enforcement actions.

VIII. RECOMMENDATION

This decision document represents the selected removal action for the La Junta Asbestos Site, in La Junta, Otero County, Colorado, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal action and I recommend your approval of the proposed removal action. The total project ceiling, if approved, will be \$528,000, which will be funded from the Regional removal allowance.

Approve: _____


Betsy Smidinger
Assistant Regional Administrator
Office of Ecosystems Protection and Remediation

Date: _____

3/25/19

Disapprove: _____

Betsy Smidinger
Assistant Regional Administrator
Office of Ecosystems Protection and Remediation

Date: _____

Attachments:

Attachment 1: Site Map

Attachment 2: Site Photos

Attachment 3: ARARs Table

Attachment 1

Site Map



Attachment 2

Site Photos

1119 Smithland Ave



1501 Edison Ave



218 Dalton Avenue



122 Carson Avenue



Attachment 3

ARARs Table

	<i>Standard, Requirement or Criteria</i>	<i>Description</i>	<i>Applicable or Relevant and Appropriate or TBC</i>	<i>Comment</i>
AIR				
	Colorado Fugitive Dust Control Plan/Opacity, Regulation No. 1., 5 CCR § 1001-3, pursuant to Colorado Air Pollution Prevention and Control Act, CRS §§ 25-7-101 et. seq.	Establishes regulations concerning fugitive emissions from construction activities, storage and stockpiling activities, haul trucks, and tailings ponds.	Applicable	<p>Applicable to all activities generating dust.</p> <p>The applicable sections are III.D.2.B and III.D.2.h. Wetting will be used to control dust.</p>
	Colorado Control of Hazardous Air Pollutants, 5 CCR 1001-10 Regulation 8 Part B, §§ I.A., I.B, III.B, III. W, pursuant to Colorado Air Pollution Prevention and Control Act, CRS §§ 25-7-101 et. seq.	Establishes regulations for abatement of asbestos-contaminated structures	Applicable	<p>This regulation is equivalent to the federal NESHAPS requirements.</p> <p>Applicable to unstable building demolition</p> <p>Pursuant to the regulation, "During wrecking operations, that portion of the facility that contains friable asbestos-containing material must be kept adequately wet commencing from prior to the demolition through delivery of the demolition debris to a landfill that will accept friable ACM." A surfactant will be added to the water supply to keep ACM debris adequately wet.</p>
NOISE CONTROL				
	Colorado Noise Abatement Statute, CRS §§ 25-12-102, 103 (1)-(3), (5), (8) & (9)	Establishes maximum permissible noise levels for particular time periods and land use zones.	Applicable	Applicable to all construction, transport and backfilling activities.

TO BE CONSIDERED

	Wildfire Recovery Guidance for Cleanup of Damaged or Destroyed Buildings	Offers advice for handling ash and debris from burned structures	TBC	<p>General guidance on handling of debris and ash generated by structures that have wholly or partly burned.</p> <p>EPA's review of this guidance document determined that all recommendations and requirements are covered by promulgated regulations listed above in this ARARs table.</p>
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REGION 8

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Ref: 8EPR-ER

MEMORANDUM

SUBJECT: Region 8 Request for Concurrence on Proposed Nationally Significant or Precedent-Setting Removal at the La Junta Asbestos Site in La Junta, Otero County, Colorado

FROM: Sandy A. Stavnes, Deputy Assistant Regional Administrator
Office of Ecosystems Protection & Remediation

TO: Reggie Cheatham, Director
Office of Emergency Management

This memorandum requests your concurrence on the proposed removal action at the La Junta Asbestos Site in La Junta, Otero County, Colorado. Redlegation of Authority R-14-2 gives you the authority to concur on nationally significant or precedent-setting removals.

My staff has discussed this proposed removal with your staff in the Preparedness & Response Operations Division (PROD). PROD has advised the Region that this removal is considered nationally significant or precedent-setting because it involves asbestos as the principal contaminant of concern.

The Action Memorandum is attached for your review. Please indicate your concurrence to proceed with asbestos removal at the La Junta Asbestos Site below.

Concur:

Reggie Cheatham, Director
Office of Emergency Management

Date

11/2/18

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

Non-Concur:

Barry N. Breen, Acting Assistant Administrator
Office of Land and Emergency Management

Date

Attachment



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