



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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Ref: 8SEM-EMR

**ACTION MEMORANDUM**

**SUBJECT:** Approval and Funding for a Removal Action at the Crowley County Asbestos Site, Town of Ordway, Crowley County, Colorado

**FROM:** Craig Giggelman *Craig Giggelman* 9/24/19  
Federal On-Scene Coordinator

**THRU:** Laura Williams, Chief  
Response Section *Laura Williams* 9/24/19

Deirdre Rothery, Chief *Deirdre Rothery* Acting for  
Emergency Management Branch 9/25/19

**TO:** Betsy Smidinger, Director  
Superfund and Emergency Management Division

Site ID#: B824

**I. PURPOSE**

The purpose of this Action Memorandum is to request and document approval of the removal action described herein for the Crowley County Asbestos Site (Site) located near the Town of Ordway, Crowley County, Colorado. This time-critical removal action involves the cleanup and proper disposal of debris from collapsed residential houses that are burned, abandoned, and known to contain friable asbestos. The Site was identified by the Crowley County Commissioners as a safety concern, posing a potential asbestos exposure threat to nearby residents 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:	Crowley County Asbestos Site
Superfund Site ID (SSID):	B824
NRC Case Number:	N/A
CERCLIS Number:	CON000820985
Site Location:	Ordway, Crowley County, Colorado
Lat/Long:	38.23931/-103.738875
Potentially Responsible Party:	See Confidential Enforcement Addendum
National Priority List (NPL) Status:	Non NPL
Removal Start Date:	Fiscal Year 2020

### A. Site Description

#### 1. **Removal Site Evaluation**

In July, 2019, the Crowley County Commissioners and the Colorado Department of Public Health and Environment (CDPHE) requested an EPA removal action on fire-damaged residences near the Town of Ordway in Crowley County, Colorado. On August 12, 2019, an EPA On-Scene Coordinator (OSC) deployed with a Superfund Technical Assessment and Response Team (START) to conduct a removal site evaluation of two properties which contained the remnants of former residential structures that had burned and were completely collapsed (the Site). This evaluation determined that friable asbestos-containing material (ACM) was present in building materials and debris scattered throughout both properties. The START data are provided in the administrative record for this Site. Photographs of the properties are provided in Attachment 2.

There has been a release of friable asbestos to the environment from the ACM at both properties. These properties are in rural neighborhoods, with other residences located nearby. There are continued incidents of trespassing and no adequate restrictions to prevent children or other persons from accessing the properties.

The Crowley County Commissioners and CDPHE requested assistance from the EPA Response Section for a removal action at the properties to conduct cleanup and proper disposal of the ACM contaminated debris. Weather events including wind, rain and snow will cause continued degradation of the remaining portions of the structures and debris piles. Asbestos fibers will continue to be released from the ACM as the material weathers and becomes friable due to ongoing exposure to the elements. Asbestos fibers then migrate off-Site and pose an asbestos inhalation threat to nearby residents and community members.

#### 2. **Physical Location**

The Site consists of two properties located near the Town of Ordway in Crowley County, Colorado (Attachment 1). Property No. 1 is located at 1874 County Road 18.5 and Property No. 2 is located at the southwest corner of the intersection of County Road H and County Road 12. Crowley County is a rural county located in

southeast Colorado and had a population of 5,823 in the 2010 census. The Town of Ordway is the county seat and has a population of 1,080.

**3. Site Characteristics**

The Site consists of two, non-contiguous, properties in a rural neighborhood with homes located nearby across the street. There is no fencing or barriers to prevent trespassers from accessing either property. Each property contains the remnants of fire-damaged, completely collapsed residential structures and associated debris piles that contain friable ACM and are open to the environment.

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

The known contaminant of concern at the Site is 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 asbestos-contaminated building materials at the Site. As the remains of the building 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.

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 property.

**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**

After the fires, both property owners attempted to demolish the structures and dispose of the waste. Concerned that ACM was present in the structures and

debris, officials from Crowley County stopped these actions and contacted the CDPHE and the EPA. Neither property owner has the means to dispose of the waste.

**2. Current Actions**

There are no current activities on the Site.

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

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

Neither the state nor the local authorities have taken actions to remediate the Site. CDPHE and Crowley County requested assistance from EPA Region 8's Response Section. Crowley County's resources are not sufficient to complete the cleanup at this Site in a timely fashion. CDPHE wrote a letter to EPA Region 8 on August 29, 2019, to request a CERCLA removal action at the properties, stating that their limited Brownfields resources are not sufficient to address the environmental exposures posed by the Site.

**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)(2) 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 ACM poses 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 fire-damaged materials in the remains of the structures and scattered throughout the properties. There are no adequate access restrictions at the Site to prevent exposure to nearby community members.

“(iv) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate:”

Pieces of ACM are scattered throughout the properties and are present in the partially collapsed

remains of the structures at the Site. Asbestos fibers have been released and will continue to be released from the ACM and will migrate into the environment.

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

The fire-damaged collapsed structures are in poor condition and are completely open to the environment. Weather events including wind, rain and snow will cause continued degradation of the remaining portions of the structures and debris piles. Asbestos fibers will continue to be released from the ACM as the material weathers and becomes friable due to ongoing exposure to the elements.

“(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**

The residential structures are located on noncontiguous properties. These structures are completely collapsed. The remnant structures and associated debris piles contain friable ACM that is being released into the environment at both properties. Pursuant to Section 104 (d) 4 of CERCLA, the separate properties will be considered one site. EPA will remove the fire-damaged structures and debris piles from the Site. Soils adjacent to the structures and debris piles will be scraped where ACM is observed. EPA and its contractors will determine which of the building components can be segregated from ACM during the cleanup process and managed as solid waste 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 will be segregated from non-contaminated debris and each waste stream will be properly disposed at permitted landfills. No post-removal Site controls are anticipated to be necessary following the removal action.

EPA will identify a landfill allowed to accept ACM that is in compliance with the CERCLA 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, the lead agency 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 ARARs are in Attachment 3. The ARARs include but are not limited to the federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) for asbestos and 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 2019. All removal activities should be completed within three weeks of the beginning of on-site activities.

#### B. Estimated Costs\*

	<b>Estimated Costs</b>
ERRS contractor	\$120,000
SUBTOTAL	\$120,000
Contingency Costs (20 % of subtotal)	\$24,000
<b>Total Removal Project Ceiling</b>	<b>\$144,000</b>

\*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**

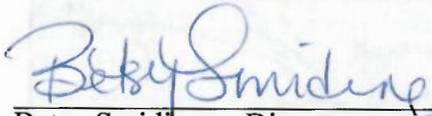
A separate Enforcement Addendum has been prepared providing a confidential summary of current and potential future enforcement activities.

**VIII. RECOMMENDATIONS**

This decision document represents the selected removal action for the Crowley County Asbestos Site, Town of Ordway, Crowley 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 \$144,000; this amount will be funded from the Regional removal allowance.

APPROVE

  
\_\_\_\_\_  
Betsy Smidinger, Director  
Superfund and Emergency Management Division

9/25/19  
Date

DISAPPROVE

\_\_\_\_\_  
Betsy Smidinger, Director  
Superfund and Emergency Management Division

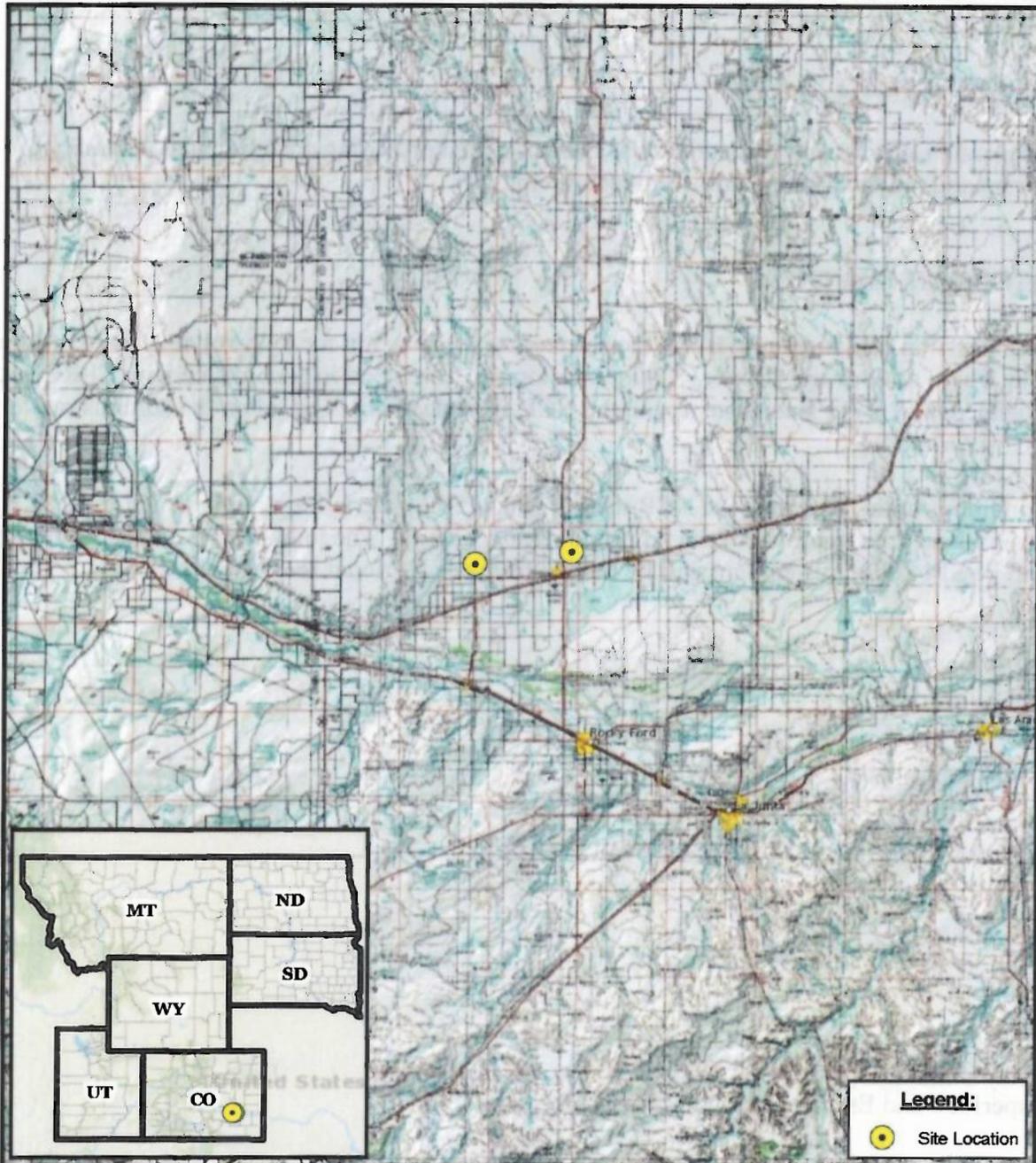
\_\_\_\_\_  
Date

**Attachments:**

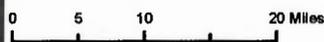
- Attachment 1: Site Map
- Attachment 2: Site Photos
- Attachment 3: ARARs Table

Attachment 1

Site Map



Path: C:\ReProjects\0001-1908-01 Crowley County Asbestos2 - Maps-Figures\Maps\Figure 1 Site Location Map.mxd

<p>Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere Projection: Mercator Auxiliary Sphere Datum: WGS 1984</p>	<p>Prepared for: U.S. EPA - Region 8 </p> <p>Contract: EP-S8-13-01 TO/TDD: 0001/1908-01</p>	<p><b>FIGURE 1</b> <b>SITE LOCATION MAP</b> <b>CROWLEY COUNTY ASBESTOS</b> <b>CROWLEY AND OTERO COUNTIES,</b> <b>COLORADO</b></p> <p>Date: 9/5/2019</p>
<p>Source: Background: ESRI USA Topo Maps (2019)</p> <p>0 5 10 20 Miles </p> <p></p>	<p>Prepared By: Weston Solutions, Inc. START IV  Suite 100 1435 Garrison St. Lakewood, CO</p>	

Attachment 2

Site Photos



Property No. 1.



Property No. 2

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>
<b>FEDERAL</b>				
<b>AIR</b>				
	National Emissions Standards for Hazardous Air Pollutants (NESHAP), National Emission Standards for Asbestos 40 CFR Part 61 Subpart M	Establishes regulations for abatement of asbestos-contaminated structures	Applicable	Best Management Practices will be implemented to comply with the requirements of NESHAP and protect public health, including keeping asbestos-contaminated debris adequately wet until disposed of as ACM.

	<i>Standard, Requirement or Criteria</i>	<i>Description</i>	<i>Applicable or Relevant and Appropriate or TBC</i>	<i>Comment</i>
<b>STATE</b>				
<b>AIR</b>				
	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	Applicable to all activities generating dust.  The applicable sections are III.D.2.B and III.D.2.h. Wetting will be used to control dust.

	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>
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<b>NOISE CONTROL</b>				
	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</p>
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Ref: 8SEM-EM-RS

MEMORANDUM

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

**FROM:** Betsy Smidinger, Director *OK for Betsy Smidinger 9/2/19*  
Superfund and Emergency Management Division

**TO:** Reggie Cheatham, Director  
Office of Emergency Management

This memorandum requests your concurrence on the proposed removal action at the Crowley County Asbestos Site in Crowley 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 Crowley County Asbestos Site below.

Concur:

*[Signature]*  
\_\_\_\_\_  
Reggie Cheatham, Director  
Office of Emergency Management

*9/19/19*  
\_\_\_\_\_  
Date

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:

\_\_\_\_\_  
Peter Wright, Assistant Administrator  
Office of Land and Emergency Management

\_\_\_\_\_  
Date

Attachment



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