

EXECUTIVE SUMMARY

The purpose of this Action Memorandum is to request a ceiling increase in the amount of \$170,000 for completion of a removal at the Lustar Dye & Finishing Site, Asheville, Buncombe County, North Carolina. The removal began as an emergency action with an initial ceiling set at the OSC's delegated authority of \$250,000 rather than the full estimated cost of the project. A ceiling increase is being sought to cover the cost of completion of the disposal phase of the removal. If approved, the new site ceiling will be \$420,000, of which, an estimated \$340,000 will be funded via the FY 2006 Regional Removal Allowance.

Site Conditions and Background

- Lustar is an abandoned, bankrupt, textile finishing facility. Processes carried out at the site included pre-treatment and dyeing of raw textiles. Numerous chemical compounds were used at the facility including caustics, acids, and reactive substances.
- EPA responded to the site on July 19, 2005 at the request of the North Carolina Department of Environment and Natural Resources (NCDENR).
- In response to conditions at the site, the Federal On-Scene Coordinator initiated emergency stabilization efforts under his delegated authority of \$250,000.
- Currently, several thousand gallons of hazardous substances including hydrogen peroxide, sulfuric acid, and sodium hydroxide are staged at the site awaiting disposal.

Threats to Public Health or Welfare or the Environment/Statutory and Regulatory Agencies

- EPA is currently providing security at the front gate of the facility. Without these efforts, the site would be unsecured to prohibit access by unauthorized individuals.
- Many of the hazardous substances currently stored at the site are toxic and reactive. Release of these substances could occur through natural means or through intentional vandalism. A number of these substances pose a fire and/or explosion hazard. The site lies within 600 feet of a residential area and is immediately adjacent to a major interstate highway.
- No other Federal or State mechanisms are able to respond to the threat of release.

Proposed Removal Actions

- Off-site transportation and disposal of the substances staged at the site. Disposal may include processes to reuse or recycle the known or suspected hazardous materials.

Estimated Ceiling Including Movement of Money From the Contingency Fund

	Current	Increase	Total
• Regional Allowance Costs	190,000.00	95,000.00	285,000.00
• Non-Regional Allowance Costs	60,000.00	35,000.00	95,000.00
• Contingency	<u>00.00</u>	<u>40,000.00</u>	<u>40,000.00</u>
• Total	250,000.00	170,000.00	420,000.00



MAY 25 2006

4WD-ERRB
ACTION MEMORANDUM

SUBJECT: **Request for a Ceiling Increase for a Time-Critical Removal Action**

Lustar Dye & Finishing
Asheville, Buncombe County, North Carolina 28803

FROM: David L. Andrews, On-Scene Coordinator 
Emergency Response and Removal Branch (ERRB)

TO: Beverly Banister, Acting Director
Waste Management Division

Site No: A4KA	Task Order No: 0206-F4-0037
ERNS No: NRC Report #766036	Current T.O. Amount: \$190,000
NPL Status: Non-NPL	Contractor: WRS Infrastructure
CERCLIS No: NA	Response Authority: CERCLA
State Notification: 07/19/05	Start Date: 07/19/05
Mobilization Date: 07/19/05	Completion Date: TBD

I. PURPOSE

The purpose of this Action Memorandum is to request a ceiling increase in the amount of \$170,000 to cover completion of a time-critical removal action at the Lustar Dye & Finishing site located in Asheville, Buncombe County, North Carolina. The ceiling increase is necessary to facilitate completion of the disposal phase of a removal that began as an Emergency Response. The total extramural cost of the proposed action is estimated at \$420,000.

II. SITE CONDITIONS AND BACKGROUND

II.A. Site Description

Lustar Dyeing & Finishing (hereinafter "Lustar" or "Site" or "facility") is a bankrupt textile

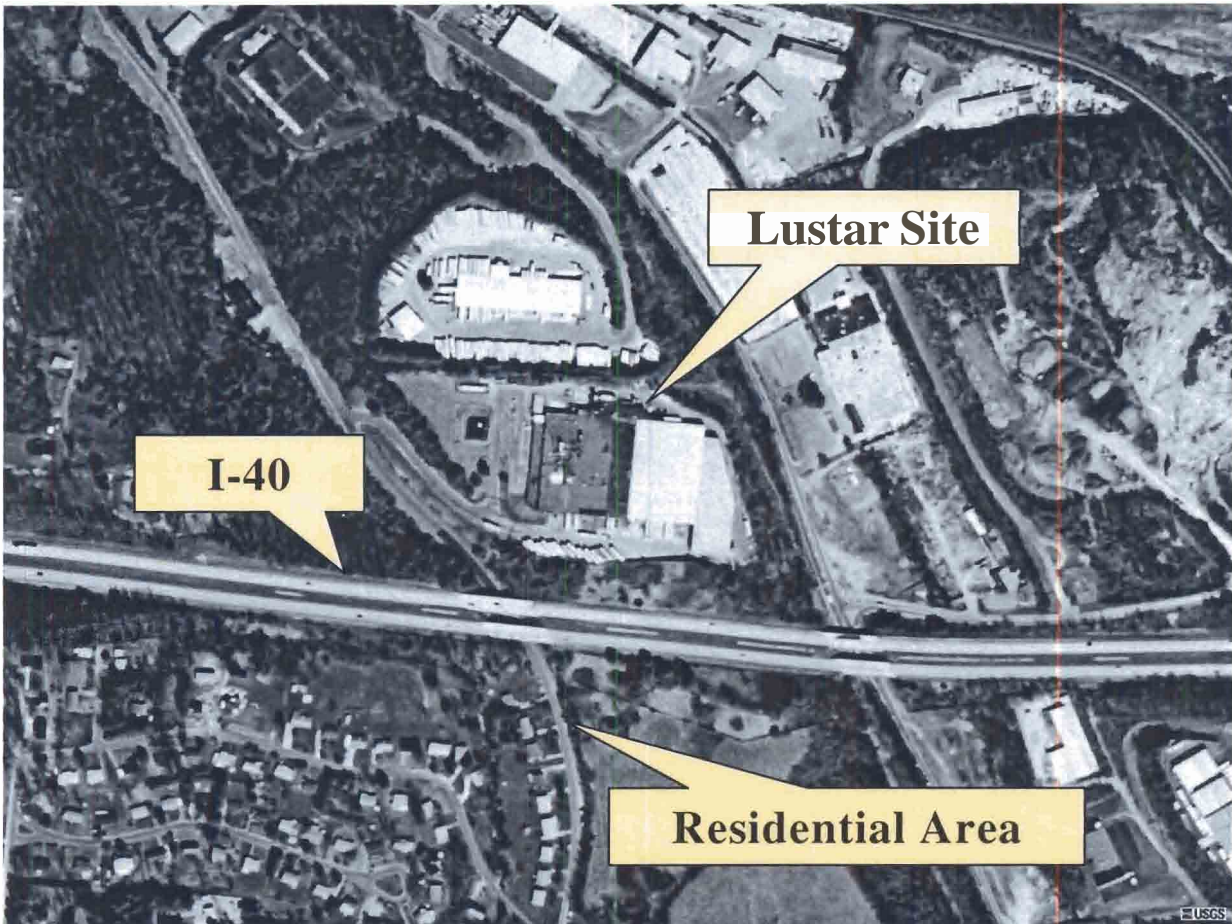


Figure 1. Aerial image of Lustar Site and surrounding area. Note proximity of the facility to residential areas to the south and Interstate 40, a major highway immediately adjacent to the facility.

finishing facility located at 144 Caribou Road, Buncombe County, Asheville, North Carolina (Ref. 1). The subject site is approximately 14 acres in total area. The dominant feature of the Site is the main processing building, which is approximately 150,000 ft² in size. (Figure 1). **Land** use in the immediate vicinity of Lustar is mixed commercial and residential. The nearest houses are approximately **600** feet south of the property on Caribou Road.

I.B. INITIAL REMOVAL SITE EVALUATION

On July 19, 2005, North Carolina Department of Environment and Natural Resources (NCDENR) contacted the EPA Region 4 Duty Officer and requested assistance in responding to the Site (Ref. 1). NCDENR described Lustar as an abandoned, bankrupt textile facility containing a variety of hazardous chemicals including acids, caustics, and oxidizers. The State further reported that the fence surrounding the facility was not secured, some of the doors to the main building were open, and that there were no security personnel at the Site. NCDENR also

noted releases inside the plant building and evidence of vandalism and theft (Figure 2).

A Federal On-Scene Coordinator (OSC) was dispatched to the Site on July 19, 2005. Upon arrival at the Site, the OSC was briefed by NCDENR responders and conducted a visual assessment of Site conditions relative to NCP Section 300.415 (b)(2) criteria. Those findings are given in the initial Action Memorandum (Ref 2, Attachment 1).



Figure 2. Release of Caustic Soda (sodium hydroxide), a strong basic substance, from a 55-gallon drum inside the Dye Room of the **Lustar** plant. The 5-gallon bucket in the center of the image was apparently being used to catch drips from the bucket. It has overflowed to the floor of the room. Also note **crystallized** caustic soda around the spigot, on the catch-pan, and on the floor. A leaking 55-gallon drum of acetic acid is located within six feet of the caustic soda release. Mixing a strong base and an acid results in an exothermic (i.e. heat generating) reaction.

III. NPL STATUS

The Site is not currently listed on the National Priorities List (NPL). It is doubtful that the Site would rank high enough to warrant placement on the NPL.

IV. MAPS, PICTURES, AND OTHER GRAPHIC REPRESENTATIONS

Maps, pictures, and other graphics in addition to Figures 1 and 2 can be made available upon request.

V. OTHER ACTIONS TO DATE

V.A. Initiation of Emergency Removal Action

The OSC determined on July 19, 2005 that conditions at Luster met National Contingency Plan (NCP) criteria for initiating an emergency removal action. After securing verbal access from the property owner, measures were taken to stabilize conditions at the Site. These efforts included inventory, overpacking as necessary, hazard categorization analysis, staging, and disposal profile sampling. In all, more than 300 tanks, drums, and other containers containing known or suspected hazardous substances were identified. EPA also provided for security at the Site to prevent unauthorized personnel from entering the property and potentially being exposed to hazardous materials or causing the release of hazardous substances stored there. No materials were transported off-Site.

V.A.1. Current Actions

EPA is currently providing for security at the Site to prevent access by unauthorized individuals and possible release of hazardous substances through acts of theft or vandalism.

V.A.2. State and Local Authorities' Roles

V.A.2.a. State and local actions to date

NC DENR initially responded to the Site and requested EPA assistance. No other State actions have occurred at the Site.

V.A.2.b. Potential for continued State/local response

The State has indicated that it does not possess the resources to complete the removal action, and there are no known local resources available to fund such actions.

VI. THREATS TO THE PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES SHOULD NO FURTHER REMOVAL ACTIVITIES TAKE PLACE

The OSC has determined that unless the removal action is completed, the Site will continue to pose a potential threat to public health and the environment that meets criteria given under the

National Contingency Plan (Ref. 3). Applicable elements of the NCP criteria are discussed below.

§300.415(b)(2)(i) - Actual or potential exposure to nearby populations, animals, or the food chain from hazardous substances; and §300.415(b)(2)(vi) - Threat of fire or explosion.

Exposure of nearby populations to hazardous substances through direct contact with materials on the Site or through off-site release through fire **and/or** explosion is a continuing threat at Lustar. Several thousand gallons of known hazardous substances are contained within tanks, drums, or other containers at the Site. Additionally, many of the more than 300 drums and other containers staged at Lustar contain proprietary compounds suspected of containing hazardous substances. Specific hazardous substances identified at the Site include the following:

Hazardous Substance	Hazard	Estimated Volume On-Site
Sodium hydroxide	Decomposes when heated to produce corrosive and/or toxic fumes; inhalation may cause severe injury or death; may cause severe burns to skin and eyes.	2 partially filled 5,000 gallons tanks
Sodium hydrosulfite	Spontaneous ignition upon contact with moisture; explosive decomposition may occur when heated; severe burns upon contact with skin and eyes; inhalation may cause severe injury or death	Approximately 25 empty to partially filled drums.
Hydrogen peroxide	May decompose explosively when heated; may react explosively with hydrocarbons; fire may cause irritating, corrosive, or toxic gases; may ignite combustible materials; inhalation, ingestion, or skin contact may cause severe burns, injury, or death.	Approximately 2,300 gallons
Acetic acid	Fire may cause irritating, corrosive, or toxic gases; inhalation, ingestion may cause severe injury or death; skin or eye contact may cause severe burns.	Approximately 1,000 gallons
Sulfuric acid	May react with water to form corrosive and/or toxic fumes; inhalation, ingestion, or contact may cause severe injury or death; fire may produce irritating, corrosive, or toxic gases.	Partially filled 7,500 gallons tank plus numerous smaller containers

A residential area lies within 600 feet of the Site. NCDENR has already reported that unauthorized individuals may have entered the Site. Anyone coming onto the property could potentially come in contact with the hazardous substances located there.

Many of the hazardous substances located on-site are highly toxic and/or produce violent exothermic reactions when they come into contact with one another or with certain other materials. As such, exposure of nearby residents to hazardous substances could take place through fire or explosion brought about by vandalism or through some natural cause such as a lightning strike or corrosion of the containers in which the hazardous substances are stored. For example, sodium hydrosulfite poses a fire risk when combined with water and may even ignite

spontaneously on exposure to air (Refs. 4, 5, 6). This substance also poses a substantial direct contact hazard as it can cause burns when it reacts with moist skin, eyes, or mucus membranes. Hydrogen peroxide, more than 2,000 gallons of which is currently stored on-site, is a strong oxidizer and listed as a fire and/or explosion risk (Refs. 4, 5, 6).

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

NCDENR has indicated that the State lacks the resources necessary to facilitate completion of cleanup activities at the Site.

VII. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in the Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare.

VIII. PROPOSED ACTIONS AND ESTIMATED COSTS

VIII.A. Proposed action description

The proposed action consists specifically of off-site transportation and treatment, reuse, or recycling of hazardous materials at the Site.

VIII.B. Contribution to remedial performance

Proposed removal activities will contribute toward abatement of immediate direct contact and migration threats posed by the Site, as such, they would contribute to any long-term remedial measure that may be implemented at the facility.

VIII.C. Description of alternative technologies

Alternative technologies have not been considered for this Site. The specific technology employed to address each waste stream will be determined by the selected vendor'. Reuse will be the selected disposal technology for bulk chemicals to the extent practicable.

VIII.D. Engineering Evaluation/Cost Analysis (EE/CA)

The proposed action is time-critical. It does not require an EE/CA.

VIII.E. Applicable or Relevant and Appropriate Requirements (ARARS)

Potential ARARs include RCRA requirements related to Land Disposal Restrictions (LDRs) for treatment, storage and disposal of hazardous waste. All ARARS will be attained for off-site transportation and disposal of hazardous materials or pollutants or contaminants. The requirements of the Off-Site Rule will also be met.

¹ The bid solicitation will allow the vendor to specify the most cost-effective disposal method. Many of the bulk chemicals are used in waste water treatment processes. It may be possible to dispose of these materials via reuse at other area facilities.

VIII.F. Project Schedule

The transportation and disposal phase of the removal will take place prior to July 19,2006.

IX. WHY A CEILING INCREASE IS NECESSARY AND PROPOSED SITE CEILING

The initial phase of the removal was carried out as an emergency measure with the initial ceiling set at the OSC's delegated limit of \$250,000 rather than at the full estimated cost of the removal. The total estimated cost for carrying this project to completion is approximately \$420,000 which includes a \$40,000 contingency. A summarized cost breakdown is given in the following table.

CATEGORY	Current Ceiling (USD)	Proposed Increase (USD)	New Ceiling (USD)
Extramural Regional Allowance			
ERRS	190,000.00	95,000.00	285,000.00
Extramural Non-Regional Allowance			
START	40,000.00	15,000.0	55,000.00
Subtotal	230,000.00	110,000.00	340,000.00
Intramural Costs	20,000	20,000	40,000.00
Contingency²	0.00	40,000.00	40,000.00
Grand Total Extramural	250,000.00	170,000.00	420,000.00

X. EXPECTED CHANGE IN THE SITUATION IF THE ACTION IS DELAYED OR NOT TAKEN

Lustar is an abandoned site with a large volume of hazardous substances remaining within the plant building or stored on the facility grounds. Gradual corrosion of containers currently staged on-site may lead to a release of hazardous substances and possibly, fire and/or explosion. Releases and/or fire or explosion could also occur through vandalism. Exposure of nearby populations either through on-site direct contact or through fire and/or explosion will continue to be a threat unless the removal is completed.

XI. OUTSTANDING POLICY ISSUES

See Attachment II regarding potential policy issues regarding bankrupt facilities.

² Contingency of 20% of proposed increase in extramural and intramural costs rounded to nearest \$10,000.

XII. ENFORCEMENT

See Attachment II for details regarding enforcement. Total EPA costs for this phase of the removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$610,092³.

XIII. RECOMMENDATION

This decision document represents the selected removal action for the Lustar Site in Asheville, Buncombe County, North Carolina, developed in accordance with CERCLA, as amended, and not inconsistent with the NCP. This decision is based on the administrative record for the Site. Conditions at the Site meet the NCP 40 CFR §300.415 (b) criteria for a removal action and I recommend your approval of the proposed ceiling increase. The total removal action project ceiling if approved will be \$420,000. Of this, an estimated \$340,000 comes from the regional removal allowance.

APPROVED: _____



DATE: _____

5/25/06

DISAPPROVED: _____

DATE: _____

Beverly Banister, Acting Director
Waste Management Division

Attachments:

- References
- NRC Report #766036
- Emergency Response Action Memorandum
- Enforcement Addendum

³ The following formula was used to arrive at the cost recovery estimate: (Total Removal Project Ceiling + EPA Direct Intramural Costs) + (45.26% x (Total Removal Project Ceiling + EPA Direct Intramural Costs)) or (\$380,000 + \$40,000) + (45.26% x (\$380,000 + \$40,000)) = \$ 610,092.00

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.

Attachment 1

References

National Response Center Report #766036.

Notification of \$250,000 Activation. Initial Action Memorandum, Luster Dye, Asheville, Buncombe County, North Carolina. James Webster, On-Scene Coordinator, U.S. EPA Region 4. July 20, 2005.

Code of Federal Regulations. Title 40. Part 300. July 1, 2000.

Hawley's Condensed Chemical Dictionary. 13th Edition. Richard J. Lewis, Sr. (Author). John Wiley & Sons, Inc: New York. 1997.

NFPA Haz-Mat Quick Guide. National Fire Protection Association. 1997.

2004 Emergency Response Guidebook. U.S. Department of Transportation.

Attachment 2
NRC Report 766036

Submit Action Report

Spill Summary Report

NATIONAL RESPONSE CENTER - FLASH FAX

GOVERNMENT USE ONLYGOVERNMENT USE ONLY***

DO NOT RELEASE this information to the public without
permission from the NATIONAL RESPONSE CENTER 1-800-424-8802

Incident Report # 766036

INCIDENT DESCRIPTION

**** THIS IS A POTENTIAL RELEASE **** *Report taken by: CIV RAWLS at 13:58 on 19-JUL-05

Incident Type: FIXED

Incident Cause: UNKNOWN Affected Area:

The incident was discovered on 19-JUL-05 at 10:00 local time.

Affected Medium: LAND GROUND

REPORTING PARTY

Name: ROBIN PROCTOR

Organization: NC HAZMAT SECTION Address: 101 OVERLAND ROAD

RALEIGH, NC

PRIMARY Phone: (919)2701465

Type of Organization: PRIVATE ENTERPRISE

SUSPECTED RESPONSIBLE PARTY

Name: UNKNOWN

Organization: LUSTAR DYE AND FINISHING Address: 144 CARIBOU ROAD

ASHVILLE, NC

Type of Organization: PRIVATE ENTERPRISE

INCIDENT LOCATION

144 CARIBOU ROAD County: BUNCOMBE City: ASHVILLE State: NC

POTENTIALLY RELEASED MATERIAL(S)

CHRIS Code: HPO Official Material Name: HYDROGEN PEROXIDE

Also Known As:

Qty Released: 3000 GALLON(S)

CHRIS Code: SFA Official Material Name: SULFURIC ACID

Also Known As:

Qty Released: 0 UNKNOWN AMOUNT

CHRIS Code: UNK Official Material Name: UNKNOWN MATERIAL

Also Known As: UNKNOWN CHEMICALS

Qty Released: 0 UNKNOWN AMOUNT

DESCRIPTION OF INCIDENT

CALLER THAT THE COMPANY WENT BANKRUPT AND LEFT BEHIND A LOT OF 55 GALLONS DRUMS AND 7 STORAGE TANKS FILLED WITH CHEMICALS AT THE FACILITY.

INCIDENT DETAILS

Building ID:
Type of Fixed Object: MANUFACTURING FACILITY
Power Generating Facility: NO
Generating Capacity:
Type of Fuel:
NPDES:
NPDES Compliance: UNKNOWN

DAMAGES

Fire Involved: NO Fire Extinguished: UNKNOWN

INJURIES:	Hospitalized:	Empl/Crew:	Passenger:
FATALITIES:	Empl/Crew:	Passenger:	Occupant:
EVACUATIONS:	Who Evacuated:	Radius/Area:	
Damages:			

<u>Closure Type</u>	<u>Description of Closure</u>	<u>Hours</u>	<u>Direction of Closure</u>
Air: N			
Road: N			M
Waterway: N			Ar
Track: N			

Passengers Transferred: UNKNOWN

Media Interest: NONE Community Impact due to Material: NO

REMEDIAL ACTIONS

CONTRACTOR HAS BEEN HIRED, EPA EN ROUTE

Release Secured: UNKNOWN Release Rate: Estimated Release Duration:

WEATHER

Weather: SUNNY, 80°F

ADDITIONAL AGENCIES NOTIFIED

Federal:

State/Local: EPA, FIRE MARSHALL, EMA

State/Local On Scene:

State Agency Number: NO REPORT #

NOTIFICATIONS BY NRC

ATSDR NC (PRIMARY)

19-JUL-05 14:07 (919)7153591

CHEM/BIO DEFENSE COMMAND (PRIMARY)

19-JUL-05 14:07 (410)4362148

DOT CRISIS MANAGEMENT CENTER (PRIMARY)

19-JUL-05 14:07 (202)3661863
EPA HQ EMERGENCY OPERATIONS CENTER (PRIMARY)
19-JUL-05 14:07 (202)5643850
U.S. EPA IV (PRIMARY)
(404)6504955
FBI STRATEGIC INFO OPERATIONS CNTR (PRIMARY)
19-JUL-05 14:07 (202)3233300
FEDERAL EMERGENCY MANAGEMENT AGENCY (PRIMARY)
19-JUL-05 14:07 (800)6347084
G-OPF FOLDER (PRIMARY)
19-JUL-05 14:07 (202)2672100
INFO ANALYSIS & INFRA PROTECTION (PRIMARY)
19-JUL-05 14:07
NC DEPT OF EMERGENCY MGMT (PRIMARY)
19-JUL-05 14:07 (800)8580368
NATIONAL INFRASTRUCTURE COORD CTR (PRIMARY)
19-JUL-05 14:07 (202)2829201
NATIONAL INFRASTRUCTURE COORD CTR (INFRASTRUCTURE PROTECTION)
19-JUL-05 14:07 (202)2829201
NOAA- OR&R. ATTN: CDR BLAKE (PRIMARY)
19-JUL-05 14:07 (202)2671321
NOAA 1ST CLASS BB RPTS FOR NC (PRIMARY)
19-JUL-05 14:07 (206)5266344
NATIONAL RESPONSE CENTER HQ (PRIMARY)
19-JUL-05 14:07 (202)2672100
HOMELAND SEC COORDINATION CENTER (PRIMARY)
19-JUL-05 14:07 (202)2828300
DOT OFFICE OF INTEL AND SECURITY (PRIMARY)
19-JUL-05 14:07 (202)3666525
STATE OF NORTH CAROLINA DENR (PRIMARY)
19-JUL-05 14:07 (919)7335083

ADDITIONAL INFORMATION

NONE

END INCIDENT REPORT # 766036

Report any problems or Fax number changes by calling 1-800-424-8802

PLEASE VISIT OUR WEB SITE AT <http://www.nrc.uscg.mil>

Attachment 3
Emergency Response Action Memorandum



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

U.S. ENVIRONMENTAL PROTECTION AGENCY
\$250,000 EMERGENCY ACTION MEMORANDUM/INITIAL POLLUTION REPORT

Date: July 20, 2005

Subject: ~~NOTIFICATION OF \$250,000 ACTIVATION~~ —
Lustar Dye (Site)
Asheville, Buncombe County, North Carolina 28803

To: Regional Response Center, 4WD-ERRB
NCEMA
Lisa Boynton, EPA-HQ, Regional Coordinator
Site File

From: James Webster, On-Scene Coordinator
U.S.EPA Region 4

Site No: A4KA

ERNS No: NRC Report #766036

NPL Status: Non-NPL

CERCLIS No: NA

State Notification: 07/19/05

Demobilization Date: TBD

Purchase Order No: Initiated Purchase Order

PO Amount: \$50,000

Contractor: WRS Infrastructure

Response Authority: CERCLA

Start Date: 07/19/05

Completion Date: TBD

I. INTRODUCTION

On July 19, 2005, North Carolina Department of Environment and Natural Resources (NCDENR) contacted EPA Phone Duty Officer regarding an abandoned facility, Lustar Dye and Finishing, in Asheville, North Carolina. The facility, in bankruptcy, houses a variety of chemicals in 55 gallon drums, 5 gallon containers and 1000-3000 gallon tanks. Among the chemicals included are 50% Hydrogen Peroxide, 70% Sulfuric Acid, Hydrochloric Acid, Acetic Acid, caustics and pesticides. The fence surrounding the facility is unlocked, as well as some of the doors to the main building, and there is evidence of looting and vandalism. NCDENR has indicated that there are some releases inside the building. NCDENR considers this site an imminent hazard and requested assistance from EPA. OSC James Webster was dispatched, along with START contractors, to assess the situation. It has been determined that there is a threat to public health or welfare or the environment posed by the presence of approximately 200 containers, some of which are labeled "spontaneously combustible" and most of which appear to

contain acids. Based on the removal site evaluation, the **OSC** has determined that the Site presents an imminent and substantial endangerment to public health or welfare or the environment and meets the criteria for initiating a Removal Action under Section 300.415 of the NCP. As a result of Site conditions, immediate action pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), is necessary at the Site.

Pursuant to EPA Region 4 Delegation 14-2. Response, authority to obligate CERCLA funding in the amount of \$250,000 to initiate Removal Actions where site conditions constitute an emergency has been delegated to the OSC. The OSC has approved the use of CERCLA funding to mitigate the threat to **public health** or welfare or the environment at the **Lustar Dye** Site.

II. BACKGROUND

The Site is located at 144 Caribou Road, Asheville, North Carolina 28803. This is currently an industrial location. The property is in bankruptcy, but the Trustee, Lustar, and the attorney for the Trustee, have been identified and contacted. EPA has received verbal approval to perform stabilization activities (**e.g.** security, **over-packing**, decontamination) at the Site. EPA is **working** with the Trustee's attorney to **formalize an** access agreement for a removal action.

III. THREAT

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a Removal Action. Paragraphs **(b)(2)(iii)**, **(v)**, **(vi)**, and **(vii)** directly apply as follows to the conditions at the Site:

- A. 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"

There are unknown chemicals as well as flammable liquids and caustic chemicals located inside and outside a facility that pose **an** immediate threat to those in the surrounding area.

- ~~B. — 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"~~

There are approximately 200 containers with hazardous substances located in an industrial area. Many of the substances are acids, but there are some flammable liquids and other caustics.

- C. 300.415 (b)(2)(vi) - "Threat of fire or explosion"

Containers in this industrial setting contain unknowns, flammable liquids, and containers labeled "spontaneously combustible". Incompatible materials (**e.g.** hydrogen peroxide and

organics) are located within close proximity to one another. This is an immediate threat to those living in the **area**.

- D. 300.415 (b)(2)(vii) - "The availability of other appropriate Federal or State response mechanisms to respond to the release"

At this time there are no additional State mechanisms that are able to respond to this incident.

IV. SCOPE OF WORK

With ~~the \$250,000 emergency funding~~, the OSC proposes to:

- A. Establish security at the Site.
- B. Sample containers and perform hazard categorization or obtain analytical data, as necessary for **bulking** and disposal, and to determine whether materials currently staged together are compatible..
- C. Over-pack, bulk, wash, or neutralize containers and contents and stage materials for more efficient management and disposal.
- D. Dispose of materials pending receipt of access for a full removal action.
- E. Decontaminate and restore the property, as necessary and appropriate..

The authorized budget for this Emergency Removal Action is:

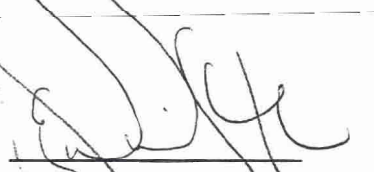
START-2	\$50,000
PO (WRS)	\$150,000
Contingency	<u>\$50,000</u>
<hr/>	
TOTAL:	\$250,000'

¹Direct Costs include direct extramural costs and direct intramural costs. **Indirect** costs are **calculated based** on 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.





V. OSC ACTION

On July 19, 2005, the OSC determined that a release ~~or threat~~ of a release of hazardous substances exists at the Site. The OSC authorized \$250,000 to initiate an Emergency Removal Action to mitigate the threat to human health or welfare or the environment. Funding will come from the Regional removal allowance. The OSC initiated a Purchase Order to WRS ~~Infrastructure~~ and a Technical Direction Document to ~~Weston~~ Solutions to respond to this Emergency Removal Action.

Because the conditions at the Site meet the conditions set forth in Section 300.415 of the NCP, the OSC has initiated funding of this Removal Action.



Dr. James W. Webster, OSC
Emergency Response and Removal Branch
U.S. EPA Region 4

ROUTING AND TRANSMITTAL SLIP		Date 05/18/2006
<i>TO: (Name, office symbol, room number, building, Agency/Post)</i>	Initials	Date
1. David Andrews, OSC		5/23/2006
2. Jim McGuire, Section Chief		5/23/06
3. Shane Hitchcock, Branch Chief, ERRB		5/23/06
4. Beverly Banister, Director, WMD	BHB	5/25/06
5.		
6.		
7.		
8.		
9.		
10.		
<input checked="" type="checkbox"/> Action	<input type="checkbox"/> File	<input type="checkbox"/> Note and Return
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> For Clearance	<input type="checkbox"/> Per Conversation
<input type="checkbox"/> As Requested	<input type="checkbox"/> For Correction	<input type="checkbox"/> Prepare Reply
<input type="checkbox"/> Circulate	<input type="checkbox"/> For Your Information	<input type="checkbox"/> See Me
<input type="checkbox"/> comment	<input type="checkbox"/> Investigate	<input checked="" type="checkbox"/> Signature 
<input type="checkbox"/> Coordination	<input type="checkbox"/> Justify	<input type="checkbox"/> Other
FROM: (Name, org. symbol, Agency/Post) Environmental Protection Agency		Room No. - Bldg. Phone No.
DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions.		
Remarks: <div style="background-color: #FFB6C1; padding: 2px; display: inline-block;">Action Memo - for Lustar Dye & Finishing, NC</div>		

4WD-ERRB

ACTION MEMORANDUM

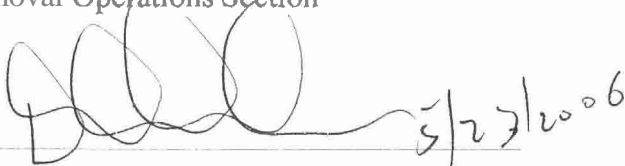
SUBJECT: **Request for a Ceiling Increase for a Time-Critical Removal Action**
Lustar Dye & Finishing
Asheville, Buncombe County, North Carolina 28803



Shane Hitchcock, Branch Chief
Emergency Response & Removal Branch



Jim McGuire, Section Chief
Removal Operations Section



David Andrews, On-Scene Coordinator
Removal Operations Section