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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

August 30, 2021

REPLY TO ATTENTION OF:
SE-5J

MEMORANDUM

SUBJECT: Request for Approval and Funding for a Time-Critical Removal Action at the Quality Chemical Site, Newark, Licking County, Ohio (Site ID # C5TL)

FROM: Eric Pohl, On-Scene Coordinator
Emergency Response Section 1

THRU: Jason H. El-Zein, Chief
Emergency Response Branch 1

TO: Douglas Ballotti, Director
Superfund and Emergency Management Division

I. PURPOSE

This Action Memorandum is to document the determination of an imminent and substantial threat to human health and the environment posed by the presence, release, and threatened release of uncontrolled hazardous substances, and to request and document your approval to expend up to $649,328 to conduct a time-critical removal action at the Quality Chemical Site (Site) located at 209-217 South 21st St., Newark, Ohio 43055. The proposed time-critical removal action will mitigate the threats from tanks, totes, drums, and small containers found to contain hazardous waste and pollutants and contaminants, by securing, sampling, and arranging for off-site disposal.

The response actions proposed herein are necessary in order to mitigate threats to public health, welfare, and the environment posed by the presence of uncontrolled hazardous substances at the Site. The U.S. Environmental Protection Agency (EPA) documented the presence of hazardous substances at the Site, as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14).

The time-critical removal action proposed herein is to prepare site plans, including a Work Plan, site-specific Health and Safety Plan (HASP), COVID-19 safety and contingency plan, and Emergency Contingency Plan; establish site security and safety, and an incident command post; inventory and perform hazard characterization on substances contained in vats, tanks, waste piles, drums, sacks, and other containers; perform sampling and analysis; and transport and

dispose off-site any hazardous substances, pollutants and contaminants at a CERCLA-approved disposal facility in accordance with EPA's Off-Site Rule, 40 Code of Federal Regulations (C.F.R.) § 300.440.

This Action Memorandum serves as approval for expenditures by EPA, as the lead technical agency, to take actions described herein to abate the imminent and substantial threat posed by hazardous substances and pollutants and contaminants at the Site. The proposed removal of hazardous substances would be taken pursuant to Section 104(a)(1) of CERCLA, 42 U.S.C. § 9604(a)(1), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. § 300.415, to abate or eliminate the immediate threats posed to the environment by the presence of the hazardous substances, pollutants, and/or contaminants. The uncontrolled conditions of the hazardous substances, pollutants, and/or contaminants present at the Site require that this action be classified as a time-critical removal action. The work will require approximately 45 on-site working days to complete.

There are no nationally significant or precedent setting issues associated with the proposed response at this non-National Priorities List (NPL) Site.

II. SITE CONDITIONS AND BACKGROUND

Superfund Site ID (SSID):	C5TL
CERCLIS Number:	OHN000520663
RCRA ID:	None
Site Address:	209-217 S. 21st St., Newark, OH 43055
Lat/Long:	40° 2'44.412 North, 82° 25'53.616 West
NPL Status:	Non NPL
Category:	CERCLA Time-Critical Removal

A. Site Description

The Quality Chemical Company has historically utilized buildings located on a Newark, Ohio, property for warehousing and product manufacturing. Public property records available from the Licking County Auditor's office indicate that the property is owned by "Snedeker, Robert W & Brenda J," and is tax delinquent and under foreclosure. No property transfer records were available through the Auditor's website. The State of Ohio is investigating a subsurface groundwater plume of chlorinated solvents at the Site through the State Voluntary Action Program beginning from at least 2008, with the City of Newark as the volunteer. The source of the chlorinated solvents has not yet been identified.

The property has four parcels, Parcel #054-217584, #054-229998, #054-232884 and #054-232890, consisting of approximately 1.43 acres located at 209 to 217 South 21st Street, Newark, Ohio 43055. The property, with a commercial building and a house that was converted to an office, was formerly known as Yost Janitorial Services and then Quality Chemical Company.

The property's historical uses are as follows: the house at 209 South 21st Street was used as private residence from 1956 to 1981, for storage of janitorial supplies for sale from 1982 to 1994,

and then as an office from 1997 through 2004. The commercial building at 217 South 21st Street was used as a janitorial supply company from 1970 to 1996, and a combination of warehousing and water-based coating manufacturing from 1997 through 2004 (AR# 4, 14). Quality Chemical Company was a sole proprietorship and ceased operations in 2004 (AR# 14).

All buildings on the property are currently unoccupied. The commercial building is approximately 8,288 square feet with an additional 1,800 square feet under an outdoor covered awning. The house is approximately 900 square feet (AR# 1). To the north of the property, there is an industrial plant that manufactured corrugated cardboard packaging. To the south of the property, there is a strip mall. Separated from the Site property by a driveway, the closest business to the property located at the strip mall is an active dry cleaner. There are multifamily residential homes immediately across S. 21st Street to the East.

On June 11, 2021, the City of Newark requested assistance of EPA in performing a site evaluation and potential time-critical removal action.

1. Removal Site Evaluation

On July 8, 2021, EPA performed an inspection of the Site and documented approximately 173 55-gallon drums and 56 250-gallon plastic totes, plus numerous other containers of abandoned wastes. Some containers displayed labels indicative of listed hazardous wastes. Many containers were in poor condition and releasing their contents onto the ground. At least 2 55-gallon metal drums demonstrated evidence of bulging. The stored wastes were observed in the commercial building, and it is believed that there are no hazardous substances located in the house, but entry to the house could not be made during the Site Evaluation due to safety concerns. Unless otherwise specified within this Action Memorandum, all further references to wastes, hazardous substances, the site evaluation, and the proposed removal action relate to the commercial building at the Site.

On June 11, 2021, the City of Newark requested assistance from EPA in conducting a hazardous mitigation and removal of unknown products, materials, and containers at the Site (AR# 8). This request was initiated after the City of Newark Fire Department (NFD) conducted an inspection of the Site property and discovered the wastes in containers within the deteriorating commercial building. The inspection report noted security concerns due to the poor condition of the Site with a collapsing roof in locations and multiple unsecured entry/egress points due to broken windows and other openings to the outside. There is also no existing functional fire suppression system (AR# 6). The City of Newark Department of Property Maintenance issued an Order to Vacate with an effective date of June 3, 2021, citing that the structure was unfit for human occupancy (Photo Log, Attachment 5, #3: AR# 15). The commercial building lacks basic utility services including electricity, heating, or water.

On June 23, 2021, EPA conducted a site reconnaissance with the City of Newark Fire Department. Pallets of drums were stacked on top of each other up to four high, with some stack of drums fallen over or collapsing. Plastic totes were also observed to be stacked up to four high. Approximately 173 metal drums were found outside of the main building, under a covered awning but exposed to ambient weather conditions.

On July 8, 2021, EPA led a limited Site Assessment. The purpose of the Site Assessment was to determine if there were any CERCLA hazardous substances in existence on the Site, and if there was a release or threat of release of CERCLA hazardous substances. Two EPA On-Scene Coordinators (OSCs), and three Superfund Technical Assistance and Response Team (START) members from EPA's contractor, TetraTech, were present on this date. Site Assessment activities included a site safety determination, container inventory, drum and container sampling, and photographic and written documentation of Site features. During these activities, and while entering the building, EPA conducted air monitoring to assess the air in the breathing zone, using a RAE Systems MultiRAE Pro multi-gas meter equipped with sensors to detect carbon monoxide (CO), hydrogen sulfide (H_2S), flammable vapors (percent lower explosive limit [LEL]), oxygen, and volatile organic compounds (VOCs). All ambient air-monitoring levels were at or below background levels during the initial safety determination.

There were two main container storage areas. The first was within the interior of the building, in a main room towards the western side. The second was outdoors, underneath a covered awning, also on the western portion of the building. Additional containers including 55-gallon metal drums were noted scattered in various outdoor locations surrounding the building as well. There are small fill piles located outside the building where additional containers may be buried. Access to the house on the property was not possible due to safety concerns, but no containers were observed through external visual inspection through windows.

The eastern portion of the commercial building did not appear to have any significant accumulated wastes. There were several rollup doors and vehicle access points leading to the interior of the building, and at the time of the site assessment, the westernmost rollup door was open and unsecured. There were also indications of squatters or human activity noted inside the building including the presence of general rubbish, "ready-to-eat" meals, furniture, and a hypodermic syringe on the floor.

Visual observation of the building by the OSCs confirmed that the building contained numerous open and closed drums, buckets, totes, and other containers with no secondary containment. Two mixing vats with unknown contents were also present. Many containers showed signs of corrosion and deterioration. Several pallets of drums had fallen over, and several drums were punctured or corroded and leaking their contents on to the floor. While some drums were labeled, it is unknown whether the original labels accurately described the present contents of each container.

Field screening and sampling for one drum labeled as "Caustic Potash" was determined through laboratory analysis as a pH of >14, which is inconsistent with the labeling and the expected characteristics of the substance in the container. Many containers are unlabeled including the majority of the drums and totes. Some of the totes appeared to be empty or contain residual substances, but since nearly all of the totes were arranged in vertical stacks up to 4 high, and in columns blocking access, no totes were able to be reliably examined or sampled.

Some containers also exhibited evidence of physical reactions including burst drums. In many interior areas of the building, containers were not stored safely, and present potential physical

hazards from falling and chemical hazards from incompatibilities or reactions. The doors and walls of the building were not secure. Broken windows were observed which could provide easy access to the building interior. The interior of the building was open to the environment in some places due to a roof collapse. The property does not have a perimeter fence, any signage or warnings regarding safety or trespassing, and is in close proximity to a roadway and sidewalk. The exterior ground surface consisted of dirt, asphalt, and gravel. The Site topography is relatively flat and level.

EPA obtained an approximate inventory of storage containers located in the Warehouse and Process Building. In total, approximately 173 55-gallon drums, 56 250-gallon totes, and an undetermined number of other smaller containers (buckets, cans, jars, and bottles less than 5 gallons in size) were identified. Ohio EPA is currently investigating a shallow groundwater plume of chlorinated volatile organic compounds impacting the Site, from an unknown source, but this investigation and any potential future actions related to this plume are not within the scope of this Action Memorandum.

EPA obtained eighteen samples from containers located on the Site to determine if hazardous substances were present in the building. Samples were collected while using Level B Personal Protective Equipment (PPE). EPA OSCs were present at the time samples were collected and monitored the performance of START personnel for consistency with EPA waste sampling standard practices, and the Sampling Analysis Plan for the site assessment.

Based on the results of field tests and observations, fourteen samples were submitted for laboratory analysis and certain methods were chosen for each individual sample. The samples were analyzed using EPA SW-846 methods for certain parameters: Method 8270D Semivolatile Organic Compounds by GC/MS; 6010D Metals by ICP; 7470A & 7471A Mercury by CVAA; 1010A Ignitability by Pensky-Martens Closed-Cup; 9040C & 9045D pH; and 1311 TCLP (Toxicity Characteristic Leaching Procedure) Extraction. Ammonia was analyzed using SM 2710F & SM 4500 NH3 G from the Standard Methods For The Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. The samples were analyzed by Eurofins TestAmerica in University Park, IL (AR# 2, 15). Six samples resulted in data demonstrating that CERCLA hazardous substances were present on the Site, and their sample identification numbers and descriptions are as follows:

- QCS-02-20210708: A 55-gallon drum labeled as “Caustic Potash 50%” with clear liquid
- QCS-06-20210708: A 55-gallon unlabeled drum containing a white liquid
- QCS-07-20210708: A 55-gallon drum labeled as “TYLAC 96061-00” with a white liquid
- QCS-10-20210708: A clear liquid from a small container labeled “Dow Corning 14 Additive Flammable”
- QCS-11-20210708: A clear liquid from a small container labeled “Dow Corning Z-6040 Silane Toxic”
- QCS-16-20210708: A black solid from a small unlabeled metal container.

The full results are described in the Removal Site Assessment Report prepared by TetraTech (AR# 15). A sample summary table was also prepared by TetraTech (AR# 2).

Flashpoint/Ignitability Results

The flashpoints of Samples QCS-10-20210708, and QCS-11-20210708 were <99 degrees Fahrenheit (ºF) and determined by Method 1010A. Each of these is below the ignitability criteria of 140 ºF (or 60 ºC) and therefore the waste associated with these samples is considered hazardous for the characteristic of ignitability (D001) according to 40 C.F.R. § 261.21.

Corrosivity Results

pH measured from sample QCS-02-20210708 was >14.0. According to 40 C.F.R. § 261.22, an aqueous waste with a pH less than or equal to 2 or greater than or equal to 12.5 as determined by a pH meter using Method 9040C is a characteristically hazardous waste for corrosivity (D002), and is a CERCLA hazardous substance.

Ammonia Results

Ammonia is a hazardous substance listed in the table at 40 C.F.R. § 302.4 and is therefore designated as a hazardous substance under § 102(a) of CERCLA. Ammonia was measured by Method SM 4500 NH3 G in samples QCS-06-20210708 and QCS-07-20210708 at levels of 4700 mg/kg and 52 mg/kg respectively.

Metals Results

In sample QCS-06-20210708, arsenic was detected at 0.68 mg/kg. In sample QCS-07-20210708, arsenic was detected at 0.82 mg/kg and cadmium was detected at 0.040 mg/kg. In sample QCS-16-20210708, chromium was detected at 0.11 mg/L. Each of these analyses were performed by Method 6010D. Although the data does not indicate that these results characterize the sampled materials as RCRA characteristically hazardous wastes, they demonstrate that substances on the "List of Hazardous Substances" located at 40 C.F.R. § 302.4 are present at the Site.

Based on sampling performed during the Site Evaluation, CERCLA hazardous substances were identified to be present at the Site. Affirmatively identified hazardous substances include characteristically ignitable (D001) hazardous wastes, characteristically corrosive (D002) hazardous wastes, ammonia, and certain listed metals including arsenic, cadmium, and chromium.

2. Physical Location

The Site is located in a mixed use industrial, commercial, and residential area located at 209-217 South 21st St. in Newark, Licking County, Ohio 43055 (Attachment 4). There are multifamily homes across the roadway to the east, an industrial manufacturing plant bordering the Site to the north, and a commercial shopping plaza bordering the Site to the south. The geographical coordinates for the Site are 40º 2'44.412 North latitude, 82º 25'53.616 West longitude.

Four schools are located within one mile of the Site: Wilson Middle School, Newark Catholic High School, Par Excellence Academy, and Flying Colors Public Preschool. There are two parks located within one mile of the Site: Wells Park and Eagle Mount State Park. There are also numerous small businesses and houses of worship in the 1-mile radius extending from the Site. A railroad line runs near the Site, adjacent to the bordering packaging manufacturing plant. The South Fork Licking River and Raccoon Creek are both within 2 miles. With the closest formation located approximately one-fifth mile from the Site, The Hopewell Ceremonial Earthworks, constructed by the Ohio Hopewell culture between 1-1000 CE, are a grouping of preserved earthworks in close proximity and which were submitted by the US Department of the Interior in 2008 for listing as a potential UNESCO World Heritage site.

EPA conducted an Environmental Justice (EJ) analysis for the Site (see Attachment 2). Screening of the surrounding area used EPA's EJ Screen Tool. Region 5 has reviewed environmental and demographic data for the area surrounding the Site and has determined there is potential for EJ concerns at this location.

3. Site Characteristics

The buildings on the Site are currently unoccupied, not in use, and in derelict condition. Former use of the property includes operations as a janitorial supply company, warehousing, and water-based coating manufacturer. The property is currently privately owned by two individuals, and in tax arrears and foreclosure as reported by the County Auditor's publicly accessible website.

The City of Newark previously acted as a 'volunteer' to lead environmental investigation activities on and near the Site beginning in 2008 associated with a contaminated groundwater plume through the Ohio Voluntary Action Program, utilizing funding through a Clean Ohio Grant. Apart from limited environmental investigation, neither the City of Newark nor the State of Ohio are known to be Owners or Operators at the Site.

EPA's proposed time-critical removal action will be the first removal at the Site.

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

A release or threat of release of hazardous substances, pollutants, and/or contaminants is present at the Site. EPA confirmed the presence of hazardous substances as defined by Section 101(14) of CERCLA including ammonia; metals including arsenic, cadmium, and chromium; and characteristically hazardous waste including ignitable waste and corrosive waste; and pollutants and contaminants as defined by Section 101(33) of CERCLA. EPA inventoried approximately 2 mixing tanks, 400 55-gallon drums, 120 plastic totes, and numerous other containers. Some of the drums and other containers were in poor condition, leaking or had corroded such that holes developed in the container walls.

Exposure could occur from dermal contact with material in drums, containers, or from leaking and spillage of hazardous substances onto the floor or other surfaces; incidental ingestion of material following dermal contact; inhalation of volatile materials in open containers; inhalation

via fugitive dust generation; and inhalation of toxic vapors released into the air via fire. Potential human receptors include nearby residents, trespassers, emergency response workers, and future site workers. There was evidence of trespassing at the Site. Residential properties are adjacent to the Site.

5. NPL status

The Site is not on the NPL and is not anticipated to be scored for the NPL.

6. Maps, pictures, and other graphic representations

Attachment 4: Site Location Map
Attachment 5: Photo Log

B. Other Actions to Date

1. Previous actions

There have been no previous response actions at the Site. This Action Memorandum documents previous investigatory actions in the Background section.

2. Current actions

No current actions are being taken at the Site. The Site is not currently occupied.

C. State and Local Authorities' Roles

1. State and local actions to date

On May 26, 2021, a Certified Fire Safety Inspector for the City of Newark Fire Department conducted an inspection of the facility and identified 32 violations of the State Fire Code and discovered the abandoned drums and containers in poor condition (AR# 6, 7). The fire inspection was performed at the request of the City of Newark Department of Property Maintenance (AR# 12). On June 11, 2021, the City of Newark requested assistance from EPA to perform a time-critical removal action at the Site (AR# 8). Since 2008, Ohio EPA has been involved in the environmental investigation of a chlorinated groundwater plume impacting the Site and nearby properties, but this investigation is unrelated to the time-critical removal action contemplated in this Action Memorandum.

2. Potential for continued State/local response

The State and Local governments do not have the resources to mitigate the threat of a release (AR# 10, 11).

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

Existing conditions at the Site present a substantial threat to the public health or welfare, and the environment, and meet the criteria for a time-critical removal action as provided for in the National Contingency Plan (NCP), 40 C.F.R. § 300.415(b)(2). These criteria include, but are not limited to, the following:

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.

Hazardous substances, pollutants, and contaminants are present in drums and other containers. Hazardous substances represent an actual or potential exposure threat to nearby human populations. Possible exposure routes for hazardous substances include dermal contact with material in drums and containers, or from leaking and spillage of hazardous substances onto the floor or other surfaces; incidental ingestion of material following dermal contact; inhalation of volatile materials in open containers; inhalation via fugitive dust generation; and inhalation of toxic vapors released into the air via fire. Potential human receptors include trespassers, emergency response workers, and nearby residents. The building is poorly secured; trespassing is suspected at the Site. Residential properties are located adjacent to the Site.

Many containers are unlabeled. Analytical results from the Site Assessment indicate that hazardous substances, as defined by CERCLA § 101(14), pollutants, and contaminants are present at the Site and represent an actual or potential exposure threat to nearby human populations. These include characteristically ignitable and corrosive hazardous wastes.

Information on toxicological effects of ammonia, one of the hazardous substances, pollutants, and contaminants present is listed below and referenced in the Administrative Record (Attachment 1).

Ammonia: "Exposure to high levels of ammonia in air may be irritating to […] skin, eyes, throat, and lungs and cause coughing and burns. Lung damage and death may occur after exposure to very high concentrations of ammonia. Some people with asthma may be more sensitive to breathing ammonia than others. Swallowing concentrated solutions of ammonia can cause burns in [the] mouth, throat, and stomach. Splashing ammonia into […] eyes can cause burns and even blindness (AR# 3)"

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.

During the site assessment, hazardous substances, or pollutants or contaminants were documented in approximately 400 55-gallon drums, 2 mixing tanks, 120 250-gallon totes, and other smaller containers (buckets, cans, jars, and bottles less than 5 gallons in size) inside the building. The Site is non-operational and vacant, however chemicals are still present. Several containers showed signs of deterioration and/or corrosion. Evidence of former releases including bulk chemicals present on the ground were observed throughout the building. Samples collected during the site assessment contained hazardous wastes. There is a very high potential of a release of hazardous substances from the drums and other bulk storage containers, particularly where containers are stored in an unsafe or precarious manner.

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

The Site is no longer occupied and is no longer maintained. The buildings are in poor condition, including a roof collapse in one section of the building. A large quantity of drums are stored outside, under a covered awning but exposed to all current ambient weather conditions including temperature fluctuations, winds, and precipitation. The building will likely continue to deteriorate. The roof collapse will continue to allow snow, rain, and other precipitation access to the interior of the building. Precipitation that enters the building through this and other ingress points can overfill open totes and other containers and release their contents, as well as wash existing spills throughout the building and beyond through floor drains and other migration routes. There is a possibility that water-reactive chemicals exist on the Site.

Rainwater could affect the contents of the drums and cause them to overflow onto the ground and surrounding environment. Water accumulation may also cause or accelerate the corrosion of the metal containers and weaken their structure, which may lead to a release of their contents. Winds can cause solids such as powders to easily migrate. EPA OSCs documented drums being stored outside the buildings where a direct release to the ground and migration through rainwater is a possibility. During cold weather, freeze/thaw cycles can stress the drums and could potentially cause them to rupture or burst.

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

The threat of fire or explosion at the Site is high based on the flammable or reactive nature of some of the wastes located at the Site, and because the Site buildings are unoccupied and unsecured. During the site assessment, two samples exhibited the characteristic of ignitibility. If incompatible materials were to come in contact with each other, an exothermic chemical reaction could occur. Characteristically ignitable hazardous substances were present and identified during the site assessment. In addition, the storage of potentially incompatible chemicals without secondary containment could result in an unintentional fire caused by the interaction of the contents from deteriorating containers. At least two metal drums were observed to have bulged, which could be evidence of a potential chemical reaction, or indicative of a potential for explosion.

The Site is without a fire suppression system. On May 26, 2021, the City of Newark Fire Department Fire Safety Inspector identified 32 violations of the Ohio State Fire Code (AR# 6). Apart from the hazardous substances present at the Site, nonhazardous trash, rubbish, and combustible materials were observed and could contribute to the overall building's fire load.

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

On June 11, 2021, the City of Newark, Ohio requested assistance from EPA. On July 15, 2021, both the City of Newark Ohio, and the Ohio EPA confirmed that neither entity has the resources to immediately mitigate the threat of release (AR# 10, 11).

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the known and suspected hazardous substances on Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The response actions described in this memorandum directly address actual or potential releases of hazardous substances on Site, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Removal activities on Site will include:

a) Develop and implement a Site-specific Health and Safety Plan, including an Air Monitoring Plan and COVID-19 plan, and a Site Emergency Contingency Plan;

b) Develop and implement a Site Work Plan and Site Security Plan;

c) Secure, stabilize, or demolish building structures to protect the health and safety of employees, workers, contractors, and others working on behalf of EPA;

d) Determine presence of any buried structures or containers on the Site property that may contain hazardous substances;

e) Inventory and perform hazard characterization on all substances contained in drums, totes, tanks, and other containers;

f) Perform sampling and analysis;

g) Secure, characterize, remove, transport and properly dispose of the drums, containerized wastes, spilled or buried waste materials, associated contaminated soil if future sampling reveals contaminated soils, hazardous debris, hazardous substances, pollutants and contaminants located at the Site, in accordance with EPA's Off-Site Rule (40 C.F.R. § 300.440); and

h) Take any other response actions to address any release or threatened release of a hazardous substance, pollutant or contaminant that the EPA On-Scene

Coordinator (OSC) determines may pose an imminent and substantial endangerment to the public health or the environment.

All hazardous substances, pollutants, and/or contaminants removed off-Site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provisions of post-removal Site control consistent with the provisions of 40 C.F.R. § 300.415(l). However, elimination of all threats presented by the hazardous substances in the building is expected to eliminate the need for post-removal Site controls.

2. **Contribution to remedial performance**:

The proposed actions will not impede future actions based on available information. The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action with respect to the release or threatened release concerned. However, this action is anticipated to eliminate the need for any significant post removal control requirements.

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

Not Applicable

4. **Applicable or relevant and appropriate requirements (ARARs)**

EPA will comply with all applicable or relevant and appropriate requirements (ARARs) of Federal and State law to the extent practicable considering the exigencies of the circumstances.

State: EPA sent an email on July 15, 2021, to David O'Toole at the Ohio EPA requesting the identification of any applicable state ARARs (AR# 9). Ohio EPA did not identify any ARARs in a response letter email dated July 15, 2021 (AR# 11). ARARs identified for the State of Ohio at prior EPA-Lead Time-Critical Removal Actions have included:

1. Chapter 3734 of the ORC - Solid and Hazardous Waste. In particular, ORC § 3734.03 prohibits open dumping of solid waste.

2. Chapter 3745 of the OAC. In particular, these include the general facility standards found in OAC Chapters 3745-54 and 3745-55, including the closure (decontamination/remediation) of all areas where hazardous waste was managed pursuant to OAC Rules 3745-55-10 through 3745-55-20, 3745-55-78, 3745-55-97 and corrective action pursuant to Ohio law. In addition, OAC Rule 3745-3-04 prohibits discharges and OAC Rule 3745-17-08 restricts fugitive dust.

3. Chapter 6111 of the OAC -Water Pollution Control. In particular, ORC § 6111.04 prohibits water pollution.

Federal: The OSC identified the following primary federal ARARs:

1. Hazardous substances, pollutants or contaminants removed off-site pursuant to this emergency response action for treatment, storage and disposal shall be treated, stored, or disposed at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

2. Subtitle D of the Resource Conservation and Recovery Act (RCRA) regulates the management of nonhazardous solid waste.

3. 49 U.S.C. § 5101, et seq., regulates the transportation of hazardous waste and hazardous substances by aircraft, railcars, vessels, and motor vehicles to or from a site.

4. 29 C.F.R. § 1910 promulgates occupational safety and health standards for hazardous waste operations and emergency response. It regulates cleanup operations at uncontrolled hazardous waste sites.

5. Project Schedule

The proposed activities listed in Section V of this memorandum will require an estimated 45 on-site working days to complete.

6. Disproportionate Funding

The response actions described in this memorandum directly address the actual or threatened release at the Site of hazardous substances, pollutants, or contaminants, which may pose an imminent and substantial endangerment to public health, welfare, or the environment. EPA does not believe that these response actions will impose a disproportionate burden on the affected property.

Estimated Costs

The Detailed Cleanup Contractor Cost is presented in Attachment 6 and the Independent Government Cost Estimate is presented in Attachment 3; estimated costs are summarized below:

REMOVAL ACTION PROJECT CEILING ESTIMATE	
Extramural Costs:	
Regional Removal Allowance Costs:	
Cleanup Contractor Costs	$501,013
Total START	$40,094
Subtotal	$541,107

Costs Contingency (20% of Subtotal)	$108,221
TOTAL REMOVAL ACTION PROJECT CEILING	**$649,328**

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

Given the Site conditions, the nature of the hazardous substances and pollutants or contaminants documented on Site, and the potential exposure pathways to nearby populations described in Sections II, III and IV above, actual or threatened release of hazardous substances and pollutants or contaminants from the Site, failing to take or delaying action may present an imminent and substantial endangerment to public health, welfare, or the environment by increasing the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment.

VII. OUTSTANDING POLICY ISSUES

None

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be $1,090,172[1].

($649,328 + $40,000) + (58.15% x $689,328) = $1,090,172

IX. RECOMMENDATION

This decision document represents the selected removal action for the Quality Chemical Site, Newark, Licking County, Ohio, 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 (Attachment 1).

[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.

Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal, and I recommend your approval of the removal action proposed in this Action Memorandum. The total project ceiling, if approved, will be $649,328, of which $609,234 may be used from the Regional removal allowance. I recommend your approval of the proposed removal action. You may indicate your decision by signing below.

APPROVE:

X 

Douglas Ballotti, Director
Superfund & Emergency Management Division
Signed by: DOUGLAS BALLOTTI

DISAPPROVE:

X

Douglas Ballotti, Director
Superfund & Emergency Management Division

Enforcement Addendum

Attachments

1. Administrative Record Index
2. Region 5 EJ Analysis
3. Independent Government Cost Estimate
4. Site Location Map
5. Photo Log
6. Detailed Cleanup Contractor Costs

cc: S. Ridenour, U.S. EPA B452E, (Email: Ridenour.Steve@epa.gov)
Valencia Darby, U.S. Department of Interior, **w/o Enf. Addendum**
(Email: valincia_darby@ios.doi.gov)

John Nelson, U.S. Department of Interior, **w/o Enf. Addendum**
(Email: john_nelson@ios.doi.gov)
Laurie Stevenson, Director, Ohio EPA **w/o Enf. Addendum**
(Email: laurie.stevenson@epa.state.oh.us)
David Yost**,** Ohio Attorney General **w/o Enf. Addendum**
(Email: Dave.Yost@ohioattorneygeneral.gov)

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ENFORCEMENT ADDENDUM

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ENFORCEMENT CONFIDENTIAL

NOT SUBJECT TO DISCOVERY

FOIA EXEMPT

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OF REMOVAL ACTION

ATTACHMENT 1
ADMINISTRATIVE RECORD INDEX

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR THE
QUALITY CHEMICAL SITE
NEWARK, LICKING COUNTY, OHIO

ORIGINAL
AUGUST, 2021
SEMS ID:

NO.	SEMS ID	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
1	966445	Undated	Licking County Auditor	_ _ _ _ _	Auditor Property Tax Card	1
2	966446	Undated	Tetra Tech	_ _ _ _ _	Analytical Results Summary Tables	4
3	930025	9/1/04	Agency for Toxic Substances and Disease Registry (ATSDR)	General Public	Tox FAQs Fact Sheet - Ammonia - CAS # 7664-41-7	2
4	966453	12/3/08	Weaver Boos Consultants	The City of Newark, Ohio	Phase I Environmental Site Assessment (Redacted)	40
5	966450	11/17/20	O'Toole, D. and Aultz, E., Ohio EPA	File	Memo - Pre-CERCLA Screening Checklist / Decision Form	9
6	966454	5/27/21	Gossett, B., Newark Fire Department	File	Inspection # INS-787304 and Record of Violations	23
7	966455	5/27/21	Gossett, B., Newark Fire Department	File	Inspection # INS-787304 Photo Report	5
8	966456	6/11/21	Mauter, M., City of Newark, Ohio	Renninger, S.., U.S. EPA	Letter re: Request for Assistance - Emergency Removal Action	1

9	966457	7/15/21	Pohl, E.., U.S. EPA	O'Toole, D., Ohio EPA	Email re: Request for State Applicable and Relevant and Appropriate Requirements (ARARs)	1
10	966458	7/15/21	Mauter, M., City of Newark, Ohio	Pohl, E.., U.S. EPA	Email re: Confirmation of No Resources for Removal Action	2
11	966459	7/15/21	Rickrich, M., Ohio EPA	Pohl, E.., U.S. EPA	Email re: Request for State Applicable and Relevant and Appropriate Requirements (ARARs) - Response to ARARs Request	2
12	966460	7/15/21	Gossett, B., Newark Fire Department	Pohl, E.., U.S. EPA	Email re: Inspection Reports	2
13	966461	7/15/21	U.S. EPA	File	EJ Screen Report (Version 2020)	3
14	967561	7/21/21	Bartman, F. and Carrothers, M., U.S. EPA	File	Interview Summary - Quality Chemical Operation	3
15	968508	8/20/21	Cooper, K., Tetra Tech	Renninger, S. and Pohl, E., U.S. EPA	Site Assessment Report, Revision 1	1368
16	_ _ _ _ _	_ _ _ _ _	Pohl, E., U.S. EPA	_ _ _ _ _	Action Memorandum re: Request for Approval and Funding for a Time-Critical Removal Action (Pending)	_ _ _ _ _

ATTACHMENT 2
REGION 5 ENVIRONMENTAL JUSTICE ANALYSIS

EJSCREEN Report (Version 2020)

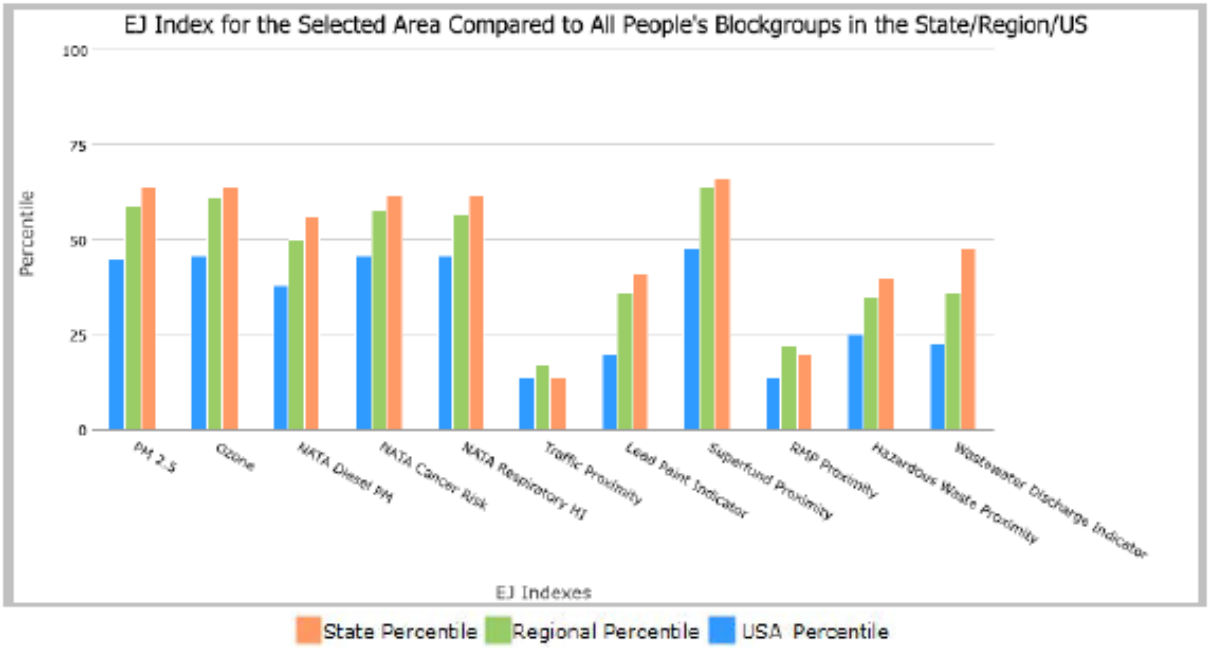
1 mile Ring Centered at 40.045440,-82.431686, OHIO, EPA Region 5

Approximate Population: 9,998

Input Area (sq. miles): 3.14

Quality Chemical Site

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	64	59	45
EJ Index for Ozone	64	61	46
EJ Index for NATA* Diesel PM	56	50	38
EJ Index for NATA* Air Toxics Cancer Risk	62	58	46
EJ Index for NATA* Respiratory Hazard Index	62	57	46
EJ Index for Traffic Proximity and Volume	14	17	14
EJ Index for Lead Paint Indicator	41	36	20
EJ Index for Superfund Proximity	66	64	48
EJ Index for RMP Proximity	20	22	14
EJ Index for Hazardous Waste Proximity	40	35	25
EJ Index for Wastewater Discharge Indicator	48	36	23



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

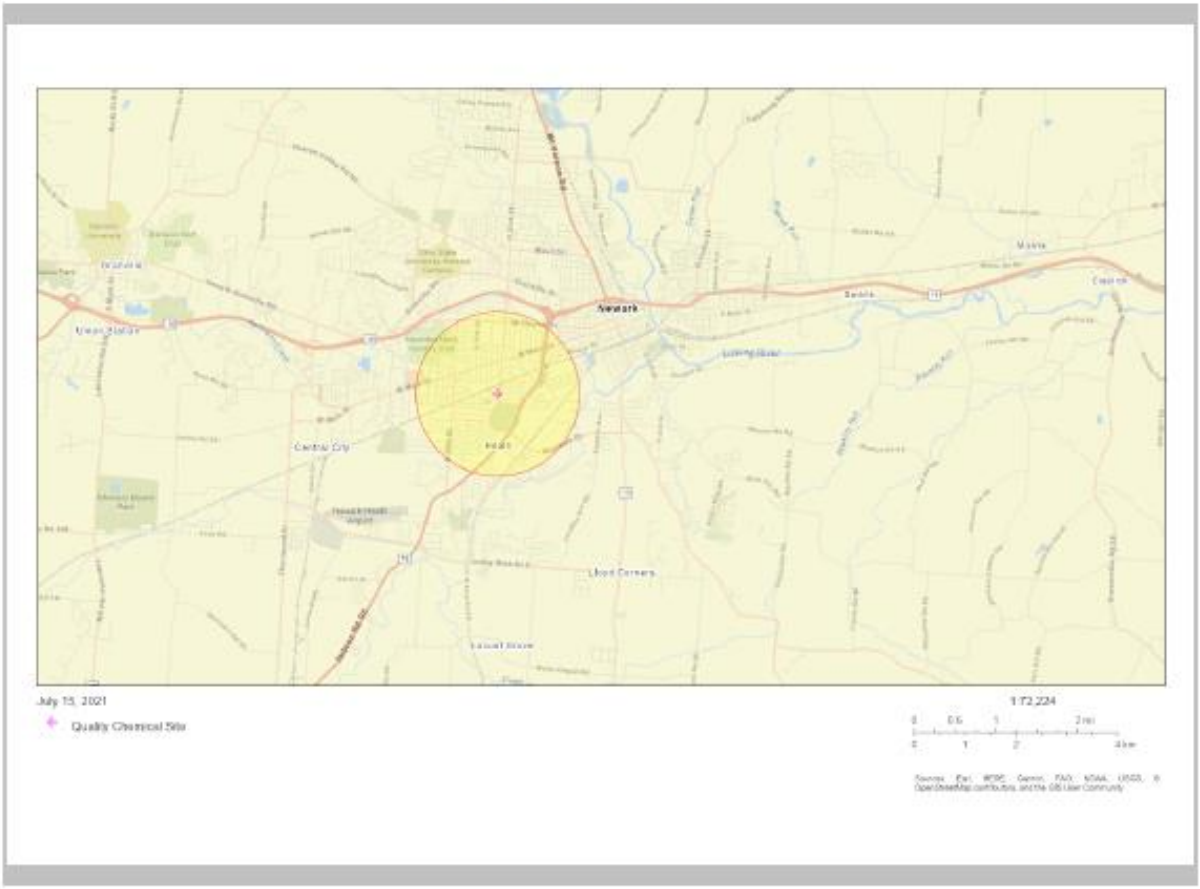
EJSCREEN Report (Version 2020)

1 mile Ring Centered at 40.045440,-82.431686, OHIO, EPA Region 5

Approximate Population: 9,998

Input Area (sq. miles): 3.14

Quality Chemical Site



Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	0

EJSCREEN Report (Version 2020)

1 mile Ring Centered at 40.045440,-82.431686, OHIO, EPA Region 5

Approximate Population: 9,998

Input Area (sq. miles): 3.14

Quality Chemical Site

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in µg/m³)	8.78	9.03	32	8.4	54	8.55	57
Ozone (ppb)	43.7	44.5	23	43.8	35	42.9	57
NATA* Diesel PM (µg/m³)	0.412	0.416	56	0.446	50-60th	0.478	50-60th
NATA* Cancer Risk (lifetime risk per million)	27	26	71	26	60-70th	32	<50th
NATA* Respiratory Hazard Index	0.35	0.34	64	0.34	60-70th	0.44	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	830	400	88	530	84	750	78
Lead Paint Indicator (% Pre-1960 Housing)	0.57	0.41	72	0.38	73	0.28	81
Superfund Proximity (site count/km distance)	0.026	0.095	28	0.13	16	0.13	23
RMP Proximity (facility count/km distance)	1.4	0.71	83	0.83	80	0.74	83
Hazardous Waste Proximity (facility count/km distance)	1.6	2.4	53	2.4	57	5	60
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.00062	0.43	41	2.4	53	9.4	63
Demographic Indicators							
Demographic Index	27%	26%	65	28%	62	36%	44
People of Color Population	8%	21%	39	25%	32	39%	16
Low Income Population	46%	32%	75	30%	78	33%	75
Linguistically Isolated Population	0%	1%	68	2%	59	4%	45
Population With Less Than High School Education	12%	10%	67	10%	69	13%	59
Population Under 5 years of age	5%	6%	47	6%	45	6%	44
Population over 64 years of age	16%	16%	52	16%	56	15%	60

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: https://www.epa.gov/national-air-toxics-assessment.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

ATTACHMENT 3

INDEPENDENT GOVERNMENT COST ESTIMATE

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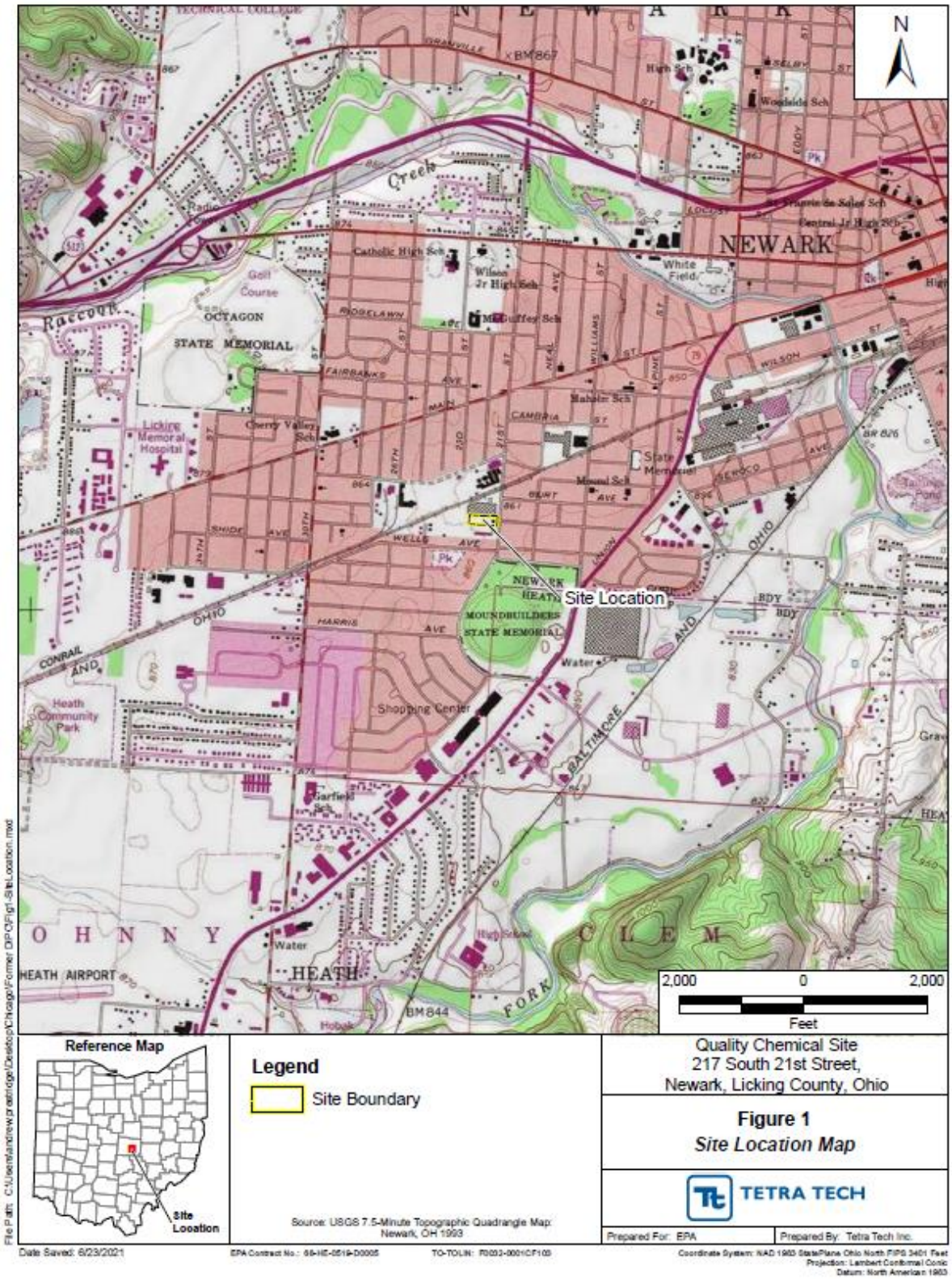
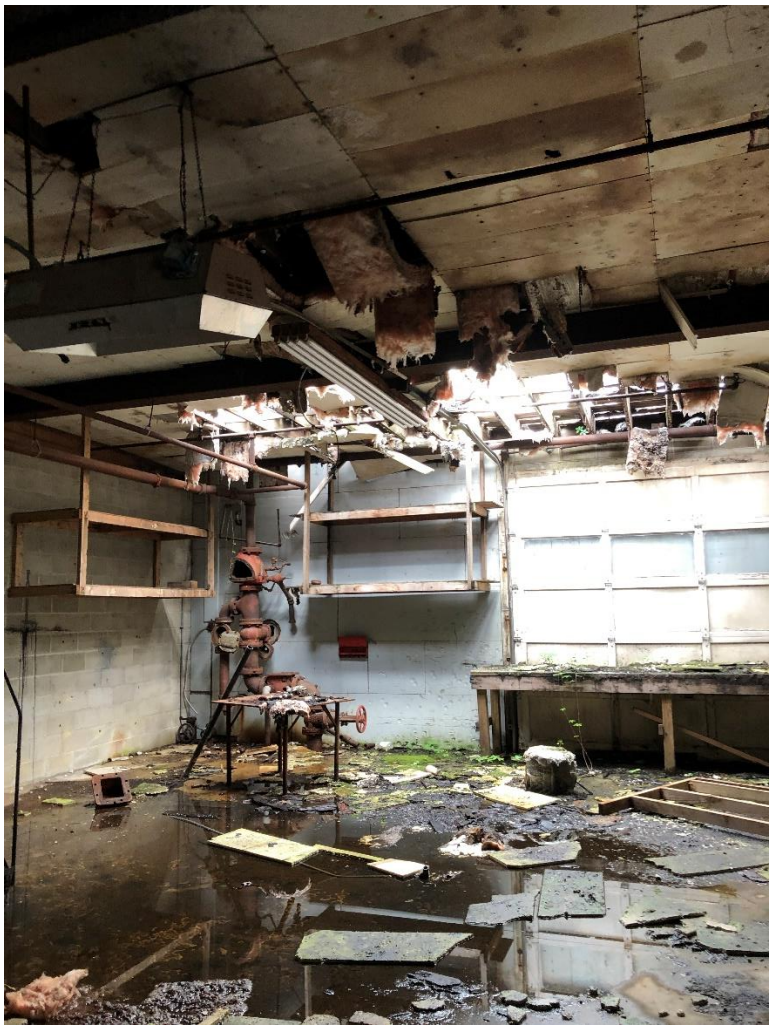
ATTACHMENT 4
SITE LOCATION MAP



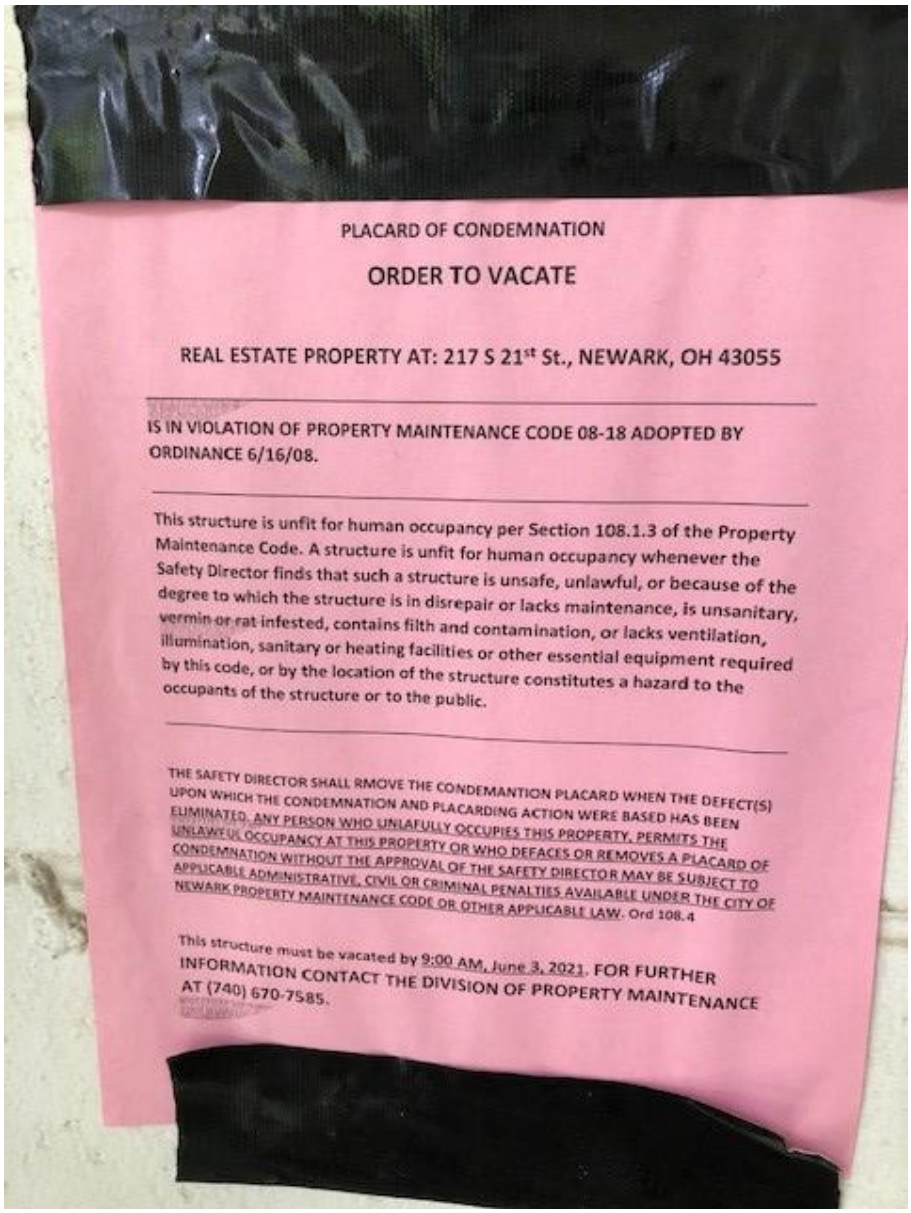
ATTACHMENT 5
PHOTO LOG

Quality Chemical Site - C5TL - Newark, Ohio
EPA Time-Critical Removal Site Evaluation
June 23, 2021 & July 8, 2021
All photos taken by Eric Pohl & Steven Renninger, On-Scene Coordinators, U.S. EPA
Camera: iPhone

1: QCS_A
Description: Rear of building; signs of human intrusion into building & unsecured doorway. Drums of unknown substances in foreground.



2: QCS_B
Description: Dismantled, non-functional fire suppresion water standpipe. Collapsed and open roof & ceiling.



PLACARD OF CONDEMNATION

ORDER TO VACATE

REAL ESTATE PROPERTY AT: 217 S 21st St., NEWARK, OH 43055

IS IN VIOLATION OF PROPERTY MAINTENANCE CODE 08-18 ADOPTED BY ORDINANCE 6/16/08.

This structure is unfit for human occupancy per Section 108.1.3 of the Property Maintenance Code. A structure is unfit for human occupancy whenever the Safety Director finds that such a structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or by the location of the structure constitutes a hazard to the occupants of the structure or to the public.

THE SAFETY DIRECTOR SHALL RMOVE THE CONDEMANTION PLACARD WHEN THE DEFECT(S) UPON WHICH THE CONDEMNATION AND PLACARDING ACTION WERE BASED HAS BEEN ELIMINATED. ANY PERSON WHO UNLAFULLY OCCUPIES THIS PROPERTY, PERMITS THE UNLAWFUL OCCUPANCY AT THIS PROPERTY OR WHO DEFACES OR REMOVES A PLACARD OF CONDEMNATION WITHOUT THE APPROVAL OF THE SAFETY DIRECTOR MAY BE SUBJECT TO APPLICABLE ADMINISTRATIVE, CIVIL OR CRIMINAL PENALTIES AVAILABLE UNDER THE CITY OF NEWARK PROPERTY MAINTENANCE CODE OR OTHER APPLICABLE LAW. Ord 108.4

This structure must be vacated by 9:00 AM, June 3, 2021. FOR FURTHER INFORMATION CONTACT THE DIVISION OF PROPERTY MAINTENANCE AT (740) 670-7585.

3: QCS_C
Description: Notice posted on front door by City of Newark, Ohio: “Order To Vacate.”

4: QCS_D
Description: View of drum and container storage

5: QCS_E
Description: View of tote storage. Leaking/spilled substances noted on outside of containers. Containers stacked to ceiling. Totes are without labeling.

6: QCS_F
Description: Drums with leaking/released substances. Contained stored in manner allowing for drums to collapse or fall.

7: QCS_G
Description: Container with label indicating flammable substance.

8: QCS_H
Description: Small container with labeling indicating flammability. Container integrity is in poor condition.

9: QCS_I
Description: View of bulk storage containers on overhead racks. Drums on right side are beginning to fall off rack.

10: QCS_J
Description: Drums and other containers stored under awning, with full exposure to weather conditions. Drums showing signs of corrosion. Black drum in right foreground on top layer is bulging.

11: QCS_K
Description: Drums stored in area under awning. Significant corrosion of drums in evident. Drums are stored with other general trash, rubbish, and apparently abandoned vehicle in foreground.

12: QCS_L
Description: General view of variety of containers in storage: metal and plastic drums, small containers, totes.

13: QCS_M
Description: Unknown powder stored under awning with potential for wind dispersion and exposure to weather conditions; signs of release. Storage tank visible on left.

14: QCS_N
Description: Drums stored outside; unknown contents.

15: QCS_O
Description: Evidence of human activity inside site building.

ATTACHMENT 6

DETAILED CLEANUP CONTRACTOR COST ESTIMATE

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