



**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 Selfridge Abandoned Buildings Site, Selfridge, Sioux County, North Dakota

FROM: Joyce Ackerman
Federal On-Scene Coordinator

THRU: Kerry Guy, Supervisor
Emergency Response Section

Deirdre Rothery, Manager
Emergency Management Branch

TO: Betsy Smidinger, Director
Superfund and Emergency Management Division

Site ID#: B8B1

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the removal action described herein for the Selfridge Abandoned Buildings Site (Site) located in the town of Selfridge, Sioux County, North Dakota. This time-critical removal action (TCRA) involves the demolition, cleanup and proper disposal of debris from several partially collapsed buildings known to contain friable asbestos. The buildings are abandoned, damaged by major fires and weathering, and have been vandalized.

The Site includes five buildings, four of which are privately owned: a former farm implement dealership, legion hall, bar, and motel; and a small auditorium owned by the town. The town of Selfridge (Town) and buildings are located on the Standing Rock Sioux Indian Reservation. The Site was identified by the Town as a safety concern, posing a potential asbestos exposure threat to nearby residents, children, and community members. Conditions at the Site present a threat to public health and the environment and meet the criteria for initiating a removal action under 40 CFR § 300.415(b) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

This removal action involves no nationally significant or precedent-setting issues. This TCRA will not establish any precedent for how future response actions will be taken and will not commit

the 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:	Selfridge Abandoned Buildings Site
Superfund Site ID (SSID):	B8B1
NRC Case Number:	N/A
SEMS EPA I.D. Number:	NDN000821105
Site Location:	Selfridge/Sioux County/North Dakota
Lat/Long:	46.04268/ -100.92365
Potentially Responsible Party:	See Enforcement Addendum
National Priority List (NPL) Status:	Non-NPL
Removal Start Date:	Summer/Fall 2022

A. Site Description

1. Removal Site Evaluation

The Site includes five buildings known to contain friable asbestos that have been severely damaged by fire and/or vandalism and weathering. There are four privately owned buildings—a farm implement dealership, legion hall, bar, and motel—and a small auditorium owned by the Town. The buildings have missing windows and walls, collapsed roofs, and one is merely a pile of debris. Children and other persons access the buildings.

The Town contracted for asbestos inspections at three of the buildings in 2016 and 2019. The 2016 inspection was conducted at the Town auditorium and identified chrysotile asbestos in flooring, sheetrock, and roofing material, with concentrations as high as 25 percent. The 2019 inspection at the motel and implement dealership identified chrysotile in flooring (motel) and sheetrock (implement dealer) with concentrations as high as 23 percent in flooring and 3 percent in sheetrock. An EPA On-Scene Coordinator (OSC) conducted a removal site inspection (RSI) in November 2021 and January 2022. Samples were taken at the five buildings; not all building materials could be sampled during the RSI due to safety hazards at the partially collapsed buildings. Sample results showed chrysotile asbestos in several building materials: 10 percent in roofing material at the implement dealership; 10 percent in roofing material at the Town auditorium; 5 percent in roofing material at the legion hall; 20 percent in flooring at the motel; and 20 percent in flooring at the bar. The asbestos-containing materials (ACM) are damaged, causing them to be friable. The inspection reports and RSI sampling results are provided in the administrative record for this Site. Photographs of the buildings are provided in Attachment 2.

The Town reported that, despite their efforts to prevent access such as boarding up windows and setting up fences, children and other community members continue to enter the buildings. Persons trespassing inside the buildings have

broken windows, pulled the boards off the windows, started fires, pulled down fences, and tried to play on roofs.

There is a release of friable asbestos to the environment due to the collapsed roofs, missing windows and walls, and damage to interior ceilings and walls. There is continued vandalism by trespassers. There are no adequate restrictions to prevent children or other persons from accessing the Site. The buildings are adjacent to homes and there is a park and playground immediately behind the Town auditorium.

The Town requested assistance from the EPA Response Unit for demolition and cleanup of the buildings and proper disposal of the asbestos. The ongoing vandalism and damage to the buildings will continue to cause releases of asbestos to the environment which will be an inhalation threat to nearby residents and community members.

2. Physical Location

The Site is located in the Town of Selfridge, Sioux County, North Dakota and is within the Standing Rock Sioux Indian Reservation. According to the 2020 census, the population of Selfridge was 127. The buildings at the Site are located close together within a block of each other. Because the noncontiguous facilities are reasonably related on the basis of geography, the threat or the potential threat to public health or welfare or the environment, EPA is treating these facilities as one site.

There are residences adjacent to and near each of the buildings. The Selfridge Park including playground is immediately behind the Town auditorium. Winters in the area are reported to be freezing, snowy and windy. Annual average rainfall is 17 inches and annual average snowfall is 38 inches. According to EPA's Environmental Justice (EJ) Screening and Mapping Tool, the Town has a higher percentage of low-income persons and people of color than national or state averages.

3. Site Characteristics

The buildings on the Site were previously used as an implement dealership, an auditorium, a legion hall, a bar, and a motel. ACMs were identified in inspections in 2016 and 2019, and during EPA's RSI. The buildings are abandoned and partially collapsed, damaged by fire, vandalism, and weathering. Children and other trespassers regularly enter the buildings.

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

The principal 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). As the remains of the buildings continue to deteriorate from weather events, vandalism, and structural

collapse, there will be ongoing 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 in several building materials. 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 then referred to as being friable. Subsequently, the friable fiber bundles can further degrade into microscopic fibers that can be distributed into the air.

An EPA OSC determined that the Site poses a direct threat to public health and welfare because friable ACMs are present in the heavily vandalized, partially collapsed buildings and are being released into the environment due to the collapsed roofs and missing walls and windows. Weather events including wind, rain and snow will continue to degrade the structures. Asbestos fibers will continue to be released into the environment as the ACMs weather and become friable due to ongoing exposure to wind, rain, and snow as well as damage caused by scavengers or vandalism. Asbestos fibers pose an inhalation threat to persons accessing the Site as well as nearby residents, community members, and children. Human exposure to airborne asbestos fibers via inhalation has been proven to cause asbestosis, cancer, mesothelioma, and other respiratory diseases.

5. NPL Status

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

6. Maps, Pictures and Other Graphic Representations

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

B. Other Actions to Date

1. Previous Actions

The Town condemned the privately owned buildings, but the owners have taken no action. The Town procured asbestos inspections for three of the buildings in 2016 and 2019 which identified ACM, but the Town did not have the funding necessary for ACM demolition and cleanup. The Town made efforts to restrict access to the buildings, such as boarding up the windows and setting up fences, but children or other trespassers tear down the boards and fences and enter the buildings. Such acts of persons accessing the buildings and weathering have caused ongoing releases of asbestos fibers to the environment.

2. Current Actions

There are no current activities at the Site.

C. Tribal and Local Authorities' Roles

1. Tribal and Local Actions to Date

The Town requested assistance from EPA Region 8's Response Section in a letter dated December 8, 2021, requesting an EPA cleanup at the buildings. The Town's limited resources are not sufficient to address the environmental exposures posed by the Site.

2. Potential for Continued Tribal/Local Response

Neither the Town nor Standing Rock Sioux Tribe will have the resources to conduct the proposed removal action at the 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 Site poses a direct threat to public health and welfare because friable ACMs are present in the heavily damaged, partially collapsed buildings and are being released into the environment due to the collapsed roofs, missing walls and windows and uncontained debris piles. This may result in exposure to nearby residents, children, and trespassers. There are no access restrictions to prevent persons from entering the Site.

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

The Site includes heavily damaged, partially collapsed buildings that are in poor condition and completely open to the environment. Weather events including wind, rain and snow will cause continued degradation of the remaining portions of the structures. Asbestos fibers will continue to be released from the ACM as additional material continues to weather 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, tribal, 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

Due to the partial collapse of the buildings from fire damage, vandalism and weathering and their lack of structural integrity, the EPA will demolish the buildings and dispose of all debris as ACM. If any sections of the buildings are determined to have no contamination from ACM, EPA will determine if any segregation of ACM and non-ACM can be conducted prior to or during demolition. All cleanup activities that will disturb ACM will be conducted using adequately wet methods to prevent the migration of asbestos fibers. No post-removal Site controls are anticipated to be necessary following the removal action. The EPA will identify the closest landfills allowed to accept ACM and which are in compliance with the CERCLA Off-Site Rule (40 CFR 300.440).

2. Contribution to Remedial Performance

This effort will, to the extent practical, contribute to any future remedial effort at the Site. However, no further federal action is anticipated at this time.

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. The ARARs are identified in Attachment 3.

5. Project Schedule

The removal action is anticipated to begin in the summer/fall of 2022. All removal activities should be completed within six weeks of the beginning of on-Site activities.

B. Estimated Costs*

Contractor Costs	Estimated Costs
ERRS contractor	\$990,000
START contractor	\$80,000
SUBTOTAL	\$1,070,000
Contingency Costs (20 % of subtotal)	\$214,000
Total Removal Project Ceiling	\$1,284,000

*EPA direct and indirect costs, although cost recoverable, do not count toward the removal ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

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

A delay in action or no action at this Site would increase the actual or potential threats to the public health and/or the environment.

VI. ENFORCEMENT

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

VII. RECOMMENDATIONS

This decision document represents the selected removal action for the Selfridge Abandoned Buildings Site, in the town of Selfridge, North Dakota, 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 \$1,284,000; this amount will be funded from the Regional removal allowance.

APPROVE

Betsy Smidinger, Director
Superfund and Emergency Management Division

Date

DISAPPROVE

Betsy Smidinger, Director
Superfund and Emergency Management Division

Date

Attachments:

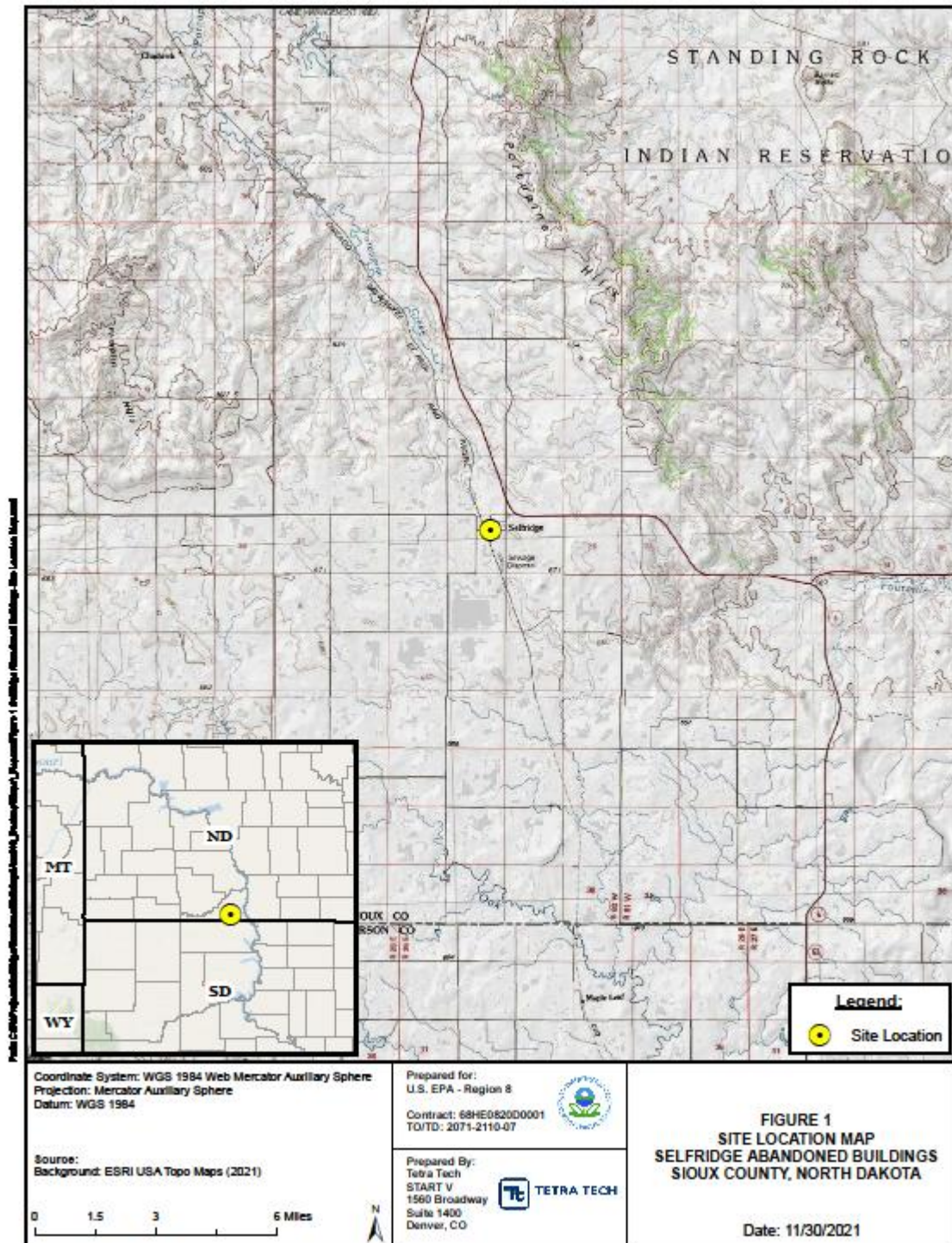
Attachment 1: Site Map

Attachment 2: Site Photos

Attachment 3: ARARs Table

Attachment 1

Site Map





Attachment 2

Site Photos



Former Implement Dealer



Former motel



Former bar on right hand side. Old Legion Hall on left hand side.



Old Legion Hall



Former town auditorium



Former town auditorium

Attachment 3

ARARs Table

Standard, Requirement, Criteria or Limitation	Citation	Description	Applicable <u>or</u> Relevant and Appropriate	Comments
FEDERAL				
National Emissions Standards for Hazardous Air Pollutants (NESHAP), National Emission Standards for Asbestos	40 CFR Part 61 Subpart M, including but not limited to 61.145(a)(c), and 61.150.	Addresses regulations for abatement and/or demolition 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.