



**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 La Junta Asbestos 2 Site, La Junta, Otero County, CO

FROM: Todd DeGarmo, OSC
Response Section

THRU: Kerry Guy, Supervisor
Response Section

Deirdre Rothery, Manager
Emergency Management Branch

TO: Ben Bielenberg, Acting Director
Superfund and Emergency Management Division

Site ID # B8F9

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the removal action described herein for the La Junta Asbestos 2 Site (Site) in La Junta, Otero County, Colorado. This time-critical removal action involves the cleanup and proper disposal of five residential houses that are damaged, abandoned, and known to contain friable asbestos. The Site was identified by the City of La Junta (City) as a safety concern, posing an asbestos exposure threat to nearby residents and community members. Conditions existing at the Site present a threat to public health or welfare or the environment and meet the criteria for initiating a removal action under 40 CFR 300.415(b)(2) of the National Contingency Plan (NCP).

This removal action involves no nationally-significant or precedent-setting issues. This time-critical removal action will not establish any precedent for how future response actions will be taken and will not commit the US Environmental Protection Agency (EPA) to a course of action that could have a significant impact on future responses or resources.

II. SITE CONDITIONS AND BACKGROUND

Site Name: La Junta Asbestos 2

Removal Category: Time Critical
Site Spill ID (SSID): B8F9
NRC Case Number: N/A
CERCLIS Number: CON000821209
Site Location: La Junta, Otero County, Colorado
Lat/Long: 37.973709, -103.534695
Potentially Responsible Party (PRP):
NPL Status: Non-NPL
Removal Start Date: TBD, FY 2023/3rd Quarter

A. Site Description

1. Removal Site Evaluation

In November 2022, the City of La Junta and the Colorado Department of Public Health and Environment (CDPHE) requested an EPA removal site evaluation on some abandoned properties in the city via email. The EPA received a letter dated March 21, 2023, officially requesting support for a removal action in La Junta for several abandoned asbestos properties. The structures are either partly destroyed or are in imminent danger of collapsing. Five of the seven properties were residential houses turned over to and condemned by the City. The sixth and seventh buildings were originally a nursing home and a tuberculosis ward. These 2 properties are owned by Arkansas Valley Regional Medical Center. Certified asbestos consultants were contracted by either the City and/or a property owner to determine if asbestos was friable asbestos is present in the remains of the buildings. The consultants' reports are provided in the Administrative Record for this Site.

An EPA On-Scene Coordinator (OSC) reviewed the consultants' reports and then conducted a removal site inspection (RSI) on March 30, 2023. Descriptions of the structures are provided below.

- 915 Grace Avenue – This is a single-family ranch home built in 1921. On January 19, 2022, the house was condemned and turned over to the city. This residential house burned a couple years ago with no repairs and burned again January 3, 2023. On March 6, 2022, a Colorado certified inspector conducted an asbestos inspection. Asbestos-containing materials (ACM) were found in the siding that is deteriorating and releasing to the environment. ACM is also found throughout the interior of the property. Chrysotile asbestos concentrations ranged from 1 to 65 percent. There are no fences or restrictions to prevent trespassers, children, or community members from accessing the property. There are occupied homes immediately adjacent to the property and in the surrounding neighborhood. An elementary school is located across the street.
- 1202 Grace Avenue – This is a single-family ranch home built in 1964. On October 8, 2021, the house was condemned and turned over

to the City. On March 18, 2022, a Colorado certified inspector conducted an asbestos inspection. Asbestos-containing materials (ACM) were found on the roof and throughout the interior of the property. The ACM on the roof has shown to be deteriorating and releasing material to the environment. The roof is separating from the wall creating openings to the environment. Several birds were noticed flying in and out of the structure. The separation of the roof from the walls could cause the structure to collapse soon. Chrysotile asbestos concentrations ranged from 1 to 3 percent. There are inadequate fences or restrictions to prevent trespassers, children, or community members from accessing the property. There are occupied homes immediately adjacent to the property and in the surrounding neighborhood.

- 1521 Grace Avenue – This is a single-family ranch home built in 1925. On August 27, 2021, the house was condemned and turned over to the City. On June 6, 2022, a Colorado certified inspector conducted an asbestos inspection. Asbestos-containing materials (ACM) were found throughout the interior of the property. Roof supports have been removed, and many holes observed in roof. The property is unstable and could collapse soon. Chrysotile asbestos concentrations ranged from 2 to 3 percent. There are inadequate fences or restrictions to prevent trespassers, children, or community members from accessing the property. There are occupied homes immediately adjacent to the property and in the surrounding neighborhood. The property is located across an open area from a high school.
- 1010 Raton Avenue – This is a single-family one and a half story home, built in 1922. On January 6, 2023, the house was condemned and turned over to the City. This residential house burned approximately June 7, 2022. The roof had holes cut in it by firefighters. There is extensive fire damage on the interior of the structure and the floor is damaged and needs to be supported by plywood to prevent it giving way. A 2023 asbestos consultant's report documents that asbestos is present in the structure. Chrysotile asbestos with concentrations of 2 percent were found on the flooring. There are inadequate fences or restrictions to prevent trespassers, children, or community members from accessing the property. There are occupied homes immediately adjacent to the property and in the surrounding neighborhood. The property is also near Blaine Park that is visited by the public.
- 1525 Lewis Avenue – This is a single-family ranch home built in 1920. On July 2, 2021, the house was condemned and turned over to the city. On April 2, 2019, a Colorado certified inspector conducted an asbestos inspection. Asbestos-containing materials (ACM) were

found throughout the interior of the property. The roof is collapsing in. Large holes in the floor and walls were noted, doors and windows are missing causing deterioration and potentially releasing ACM to the environment. Chrysotile asbestos concentrations ranged from 2 to 4 percent. There are no fences or restrictions to prevent trespassers, children, or community members from accessing the property. There are occupied homes immediately adjacent to the property and in the surrounding neighborhood. The property is located across an open area from a high school.

- 1100 Carson Avenue - The building was built 1996 and is 11275 SF. The building was used as a nursing home but is now un-occupied. The exterior walls, windows and roof are completely intact, and the structure is sealed from the environment. Interior floor in one section is sinking causing the interior walls to separate from the ceiling. According to the owner no structural assessment has been done on the building to determine its structural integrity. This property doesn't currently meet CERCLA criteria per Section 104 (3)(b) and will not be included in the removal action.
- 1200 Carson Avenue – The building was built 1951 and is 18882 SF. It is a three-story brick building. The property is structurally sound. The building was used as a former tuberculosis hospital and is currently being used for storage. The walls, windows and roof are completely intact, and the structure is sealed from the environment. This property doesn't currently meet CERCLA criteria per Section 104 (3)(b) and will not be included in the removal action.

2. Physical Location

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

3. Site Characteristics

The City population was 7,322 at the 2020 census. The properties are in and adjacent to residential neighborhoods. There are either no fences at the properties or inadequate fences, which would not prevent children, trespassers, or community members from accessing the Site.

City of La Junta has condemned the residential properties. According to the EPA's Environmental Justice (EJ) Screening and Mapping Tool for this Site, the data indicates potential areas of EJ concern at or near the Site.

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

The known contaminant of concern at the Site is chrysotile asbestos, which is a hazardous substance as defined by Section 101 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). There has been a release of friable asbestos to the environment from deteriorating siding and roofing containing ACM at 915 and 1202 Grace Avenue. There is a substantial threat of release of friable asbestos to the environment at the three other properties from missing windows, holes in roofs and imminent threat of collapse of the structures due to fires and other damage. As the remains of all five buildings continue to deteriorate from weather events, vandalism, and structural collapse, there is a threat of additional releases of asbestos fibers to the environment from ACM-contaminated debris and damaged building materials.

Asbestos is a solid material with a variety of forms, including chrysotile, which was found at the Site. Asbestos is highly resistant to heat and has exceptional tensile strength, both of which are characteristics that lend themselves to use in ordinary building materials. Asbestos tends to become brittle over time, shattering into fiber bundles due to age and weathering, and is referred to as being friable. Subsequently, the friable fiber bundles can further degrade into microscopic fibers that can be distributed into the air. Human exposure to these airborne asbestos fibers via inhalation has been proven to cause asbestosis, cancer, mesothelioma, and other respiratory diseases. There is potential for human exposure to Site related asbestos in the surrounding residential areas from releases of asbestos into the environment and to anyone who accesses the properties.

5. NPL Status

This Site is neither on nor currently being considered for listing on the NPL.

6. Maps, Pictures, and other Graphic Representations

A map of the Site is available in Attachment 1. Relevant Site photos are available in Attachment 2. Additional Site photos and maps are also available in the Site file and in the administrative record for the Site.

B. Other Actions to Date

1. Previous Actions

The City of La Junta contracted with certified asbestos inspectors to conduct inspections of the buildings to determine if ACM was present. The City condemned all five properties due to the safety concerns. The City of La Junta has provided assessment reports to EPA regarding ACM at the properties.

2. Current Actions

There are no current actions.

C. State and Local Authorities' Roles

1. State and Local Actions to Date

CDPHE and the City requested assistance from EPA Region 8's Emergency Response Section. The City has numerous blighted and burned properties to address, all with ACM, and City resources are not sufficient to conduct cleanup at all of them in a timely fashion. CDPHE wrote a letter to EPA Region 8 on March 21, 2023, to request a CERCLA removal action.

2. Potential for Continued State/Local Response

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

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

Conditions at the Site present a threat to public health and the environment and meet the criteria for initiating a removal action under 40 CFR 300.415(b)(2) of the NCP. EPA has considered all the factors described in 40 CFR 300.415(b)(2) of the NCP and determined that the following factors apply at the Site.

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

The remains of the buildings pose a direct threat to public health and welfare because children, trespassers, and other nearby community members could be exposed to releases of asbestos fibers. Evidence of trespassing and vandalism were apparent at the properties. Birds were observed flying in out of a structure. ACM from deteriorating siding and roofing has been released to the environment from the building at 915 and 1202 Grace Ave, which is located across the street from an elementary school. There are no adequate access restrictions to prevent exposure to nearby community members at any of the five properties.

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

The buildings are all in poor condition, either open to the environment due to missing portions of the roofs or due to other structural deficiencies. Weather events including wind, rain and snow will cause continued degradation of the remaining portions of the structures, exacerbating the release or threatened release of asbestos fibers to the environment.

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

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

IV. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

The structures are in various states of disrepair, structurally unsound and have been condemned by the City. The EPA will conduct demolition and cleanup of the five properties. The EPA will determine if any building components can be segregated from ACM during the demolition and cleanup process and managed as uncontaminated construction and demolition debris for disposal purposes. All contaminated building debris at these properties will be managed as ACM for disposal purposes. All cleanup activities that will disturb ACM will be conducted using adequately wet methods to prevent the migration of asbestos fibers. All ACM-contaminated debris and any non-contaminated construction and demolition debris will be properly disposed at permitted landfills. No post-removal site controls are anticipated to be necessary following the removal action.

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 the extent practicable considering the exigencies of the situation, to attain ARARs. In determining whether compliance with an ARAR 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. A table containing Site-specific ARARs is provided as Attachment 3 to this Action Memorandum.

5. Project Schedule

The Site activities are anticipated to begin in the spring or summer of 2023. The project is anticipated to last two weeks.

B. Estimated Costs

	Estimated Costs
ERRS contractor	\$ 450,000
SUBTOTAL	\$ 450,000
Contingency costs (20% of subtotal)	\$ 90,000
Total Removal Project Ceiling	\$ 540,000

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

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

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

VI. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

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

IX. RECOMMENDATION

This decision document represents the selected removal action for the La Junta Asbestos 2 Site, in Otero County, Colorado, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the site.

Conditions at the Site met the NCP section 300.415(b) criteria for a removal action and through this document, I am approving the proposed removal actions. The total project ceiling is \$540,000, this amount will be funded from the Regional removal allowance.

APPROVE

Ben Bielenberg, Acting Director
Superfund and Emergency Management Division

Date

DISAPPROVE

Ben Bielenberg, Acting Director
Superfund and Emergency Management Division

Date

Attachments:

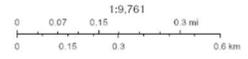
- Attachment 1: Maps
- Attachment 2: Site Photos
- Attachment 3: ARARs Table

Attachment 1: Maps

La Junta Asbestos 2



April 4, 2023



Esri Community Maps Contributors, Esri, HERE, Garmin,
Swatch, GeoTechnologies, Inc., METI/NASA, USGS,
EPA, NPS, US Census Bureau, USGA, Mapbox

Attachment 2: Site Photos

915 Grace Ave



Front of 915 Grace Ave



Asbestos containing siding is falling off property onto the ground.

1202 Grace Ave



Front of property. Note roof is separating creating openings into house. The roof contains ACM.



Opening under roof into house. Observed birds flying in and out of property.



ACM material on the roof is being released to the environment.

1521 Grace Ave



Front of 1525 Grace Ave.



Roof supports is missing, and many holes observed in roof of property.

1010 Raton Ave



Front of 1010 Raton Ave. Holes in roof were created by fire department during last fire. Floor inside is about to collapse from all the water damage from fires.



More holes in roof were noted on this side of roof from fires.

1525 Lewis Ave



Front of 1525 Lewis Ave. Note roof sagging in.



Multiple large holes in the floor and walls.

Attachment 3: ARARs Table

**STATE APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS
LA JUNTA PROPERTIES (ASEBESTOS)**

**PROPOSED REMOVAL
ACTION**

	<i>Standard, Requirement or Criteria</i>	<i>Description</i>	<i>Type</i>	<i>Potentially Applicable or Relevant and Appropriate or TBC</i>	<i>Comment</i>
AIR					
	Colorado Fugitive Dust Control Plan/Opacity, Regulation No. 1, 5 CCR 1001-3(III)(D)(2)(b),(h) (Particulate Matter – Construction Activities), pursuant to Colorado Air Pollution Prevention and Control Act, CRS § 25-7-101 <i>et seq.</i>	Establishes regulations concerning fugitive emissions from construction activities, storage and stockpiling activities, haul trucks, and tailings ponds.	A	Applicable	Applicable to all activities generating dust.
	Colorado Control of Hazardous Air Pollutants, 5 CCR 1001-10 Regulation 8 Part B, §§ I (W) III.W.2.j*, pursuant to Colorado Air Pollution Prevention and Control Act, CRS §§ 25-7-101 <i>et seq.</i>	Establishes regulations for abatement of asbestos-contaminated structures.	A	Applicable *only the substantive requirements of III.W.2.j. apply	Applicable to unstable building demolition.

NOISE CONTROL					
	Colorado Noise Abatement Statute, CRS § 25-12-103	Establishes maximum permissible noise levels for particular time periods and land use zones. For construction projects, maximum noise levels will be those specified for industrial zones for the time period within which construction is to be completed. For industrial zones, the maximum permissible sound level from 7:00 am to the next 7:00 pm is 80 A-weighted decibels (db(A) and from 7:00 pm to the next 7:00 am is 75 db(A).	A	Applicable	Applicable to all construction, transport and backfilling activities if removal activities are located within a land use zone subject to noise regulations.

TO BE CONSIDERED

	Colorado Wildfire Recovery Guidance for Cleanup of Damaged or Destroyed Buildings, available at: http://www.coemergency.com/2012/07/wildfire-recovery-guidance-for-cleanup.html	Offers advice for handling ash and debris from burned structures.		TBC	General guidance on handling of debris and ash generated by structures that have wholly or partly burned.
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