



REGION 8

DENVER, CO 80202

ACTION MEMORANDUM

SUBJECT: Approval and Funding for a Removal Action at the Otis Asbestos Site, Otis, Washington County, Colorado

FROM: Jessica Stromsdorfer, OSC
Response Section

THRU: Kerry Guy, Supervisor
Response Section

Deirdre Rothery, Manager
Emergency Management Branch

TO: Aaron Urdiales, Director
Superfund and Emergency Management Division

Site ID # B8K7

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the removal action described herein for the Otis Asbestos Site (Site) in Otis, Washington County, Colorado. This time-critical removal action involves the demolition, cleanup and proper disposal of debris from a partially collapsed, severely damaged building known to contain friable asbestos. 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: Otis Asbestos Site
Removal Category: Time Critical

Site Spill ID (SSID): B8K7
NRC Case Number: N/A
CERCLIS Number: CON000826429
Site Location: 102 South Washington, Otis, Colorado 80743
Lat/Long: 40.14766 / -102.9612
Potentially Responsible Party (PRP):
NPL Status: Non-NPL
Removal Start Date: Late summer/fall 2024

A. Site Description

1. Removal site evaluation

The Otis Asbestos Site (Site) includes a former two-story hotel that has partially collapsed into its basement and two interconnected structures that share walls with the hotel. The hotel building was constructed in approximately 1920.

The hotel building began collapsing in 2017 and the owner did not have resources to address the structural building failure. The Town of Otis (Town) later acquired the property; the previous owner is deceased. In 2023, the Colorado Department of Public Health and Environment (CDPHE) had an environmental consultant conduct a building structural assessment, hazardous materials survey, and cost estimate for remediation. The consultant's subcontracted structural engineer determined the hotel building was structurally unstable. The consultant determined there were likely asbestos-containing materials (ACM) in the building but that it was unsafe to enter the building to collect samples for a full hazardous materials survey. Based on the high estimated cost of remediation due to the presumed ACM, CDPHE subsequently requested assistance from EPA to consider a removal action to demolish the remains of the collapsed hotel and connected buildings and properly dispose of the ACM-contaminated building debris.

In May 2024, two EPA On-Scene Coordinators (OSC) visited the property. Subsequently, EPA arranged for EPA's START contractor to take samples of building materials that could be accessed safely from the parts of the building still standing and the two connected buildings. Sampling results showed chrysotile in insulation, insulation paper, fibrous material, roofing tar, floor tile, sheet flooring, and silver paint in the hotel; concentrations of chrysotile asbestos ranged from trace levels to 50 percent. Sampling results from the two connected buildings showed chrysotile asbestos in the floor tile, sheet flooring, mastic compound, and plaster. Concentrations of chrysotile asbestos in these materials ranged from trace levels to 15 percent. Damaged ACMs must be managed and disposed as friable asbestos.

Due to the open nature of the building from the collapsed, exposed walls, there is a release or potential release of friable asbestos to the environment due to the ACMs in the hotel building. Local officials report that trespassers are accessing the site, including children, despite efforts to keep the Site secure. There are no adequate restrictions to prevent persons from accessing the property and the building is in imminent danger of further collapse. The building is located in the Town's downtown core on a major street, immediately adjacent to other businesses. Residential properties are located within two blocks of the building.

2. Physical location

The Site is located in downtown Otis at 102 South Washington, Otis, Colorado 80743, Lat/Long: 40.14766 / -102.9612. According to the 2020 census, the population of Otis was 511.

Commercial businesses are located immediately adjacent to, across the street, and within one block of the building. Residential homes are located within two blocks of the building.

3. Site characteristics

The former two-story building was built in approximately 1920 and began collapsing in 2017. ACM was identified at the Site in samples collected by EPA's START contractor in 2024.

The Town is the current owner of the buildings. According to EPA's Environmental Justice (EJ) Screening and Mapping Tool for this Site, the data does not indicate potential areas of EJ concern at or near the Site. This removal action is the first at the Site.

4. Release or threatened release into the environment of a hazardous substance, or 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 building continue to deteriorate from weather events, collapse, vandalism, or scavenging, there may be ongoing releases of asbestos fibers to the environment from ACM. The volume of building debris present at the Site is estimated at 4,800 cubic yards.

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 then referred to as being friable. Subsequently, the friable fiber bundles can further degrade into microscopic fibers that can be distributed into the air.

The EPA OSCs determined that the Site poses a threat to public health and welfare because friable ACMs are present in the partially collapsed exposed building materials. 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 trespass, scavenging, 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 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.

B. Other Actions to Date

1. Previous actions

CDPHE had an environmental consultant conduct a building structural assessment, hazardous materials survey, and cost estimate for remediation. Based on the high estimated costs of remediation due to the presumed ACM, CDPHE subsequently requested assistance from EPA to consider a removal action to demolish the remains of the collapsed hotel and connected buildings and properly dispose of the ACM-contaminated building debris.

2. Current actions

There are no current activities at the Site.

C. State and Local Authorities' Roles

1. State and local actions to date

EPA OSCs met with Otis Town officials at the Site in May 2024. The Town's limited resources do not appear sufficient to address the environmental exposures posed by the Site. CDPHE has requested assistance from EPA.

2. Potential for continued State/local response

Neither the Town nor the State appear to 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 debris and may be released into the environment due to the partially collapsed, exposed building materials. This may result in exposure to nearby residents, children, and trespassers. There are no adequate 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 a partially collapsed building with ACMs completely open to the environment. Weather events including wind, rain and snow will cause continued degradation of the remaining portions of the structure. Asbestos fibers may 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 response mechanisms to respond to the release.”

Local and state governments do not have the capability to conduct the action in a timely manner.

IV. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

Due to the extensive damage to the partially collapsed building, the EPA will complete demolition of the hotel building and connected buildings and dispose of that debris as ACM. All cleanup activities that will disturb ACM will be conducted using wetting techniques to prevent the migration of asbestos fibers. No post-removal site controls are anticipated to be necessary following the removal action. 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 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 removal action is anticipated to begin in the late summer/fall of 2024. All removal activities should be completed within eight weeks of the beginning of on-Site activities.

B. Estimated Costs

	Estimated Costs
ERRS contractor	\$ 1,166,000
START contractor	\$ 100,000
Other (ESAT, travel, equipment, etc)	
Other Extramural Costs (Strike Team, other Fed Agencies)	
SUBTOTAL	\$ 1,266,000
Contingency costs (20% of subtotal)	\$ 253,000
Total Removal Project Ceiling	\$ 1,519,000

*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 public health and/or the environment.

VI. OUTSTANDING POLICY ISSUES

None.

VII. ENFORCEMENT

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

VIII. RECOMMENDATION

This decision document represents the selected removal action for the Otis Asbestos Site, in Otis, Washington 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 recommend your approval of the proposed removal action. The total project ceiling is \$1,519,000; this amount will be funded from the Regional removal allowance.

Approve

Aaron Urdiales, Director
Superfund and Emergency Management Division

Date

Disapprove

Aaron Urdiales, Director
Superfund and Emergency Management Division

Date

Attachments

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

Attachment 1
Maps



Attachment 2
Photos



Photograph: 2

Description:
View looking East

Collapsed roof and back wall of Hotel building

One-story building



Photograph: 3

Description:

Close up view of col-
lapsed west half of Hotel
Building from Photo 2



CDPHE consultant Vertex photos 8-7-2023. Top photo shows second floor has completely collapsed.

Attachment 3
State Applicable or Relevant and
Appropriate Requirements
Otis Asbestos Site

<i>Standard, Requirement or Criteria</i>	<i>Description</i>	<i>Type</i>	<i>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.B., 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	Applicable to unstable building demolition. Building debris will be kept adequately wet.

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.
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