



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

SITE: ESB inc  
BREAK: 2.9  
OTHER: \_\_\_\_\_

SEP 21 2005

4WD-ERRB

ACTION MEMORANDUM ADDENDUM

SUBJECT: Request for Removal Action Funding for the ESB, Inc. Site, in Atlanta, Fulton County, Georgia

FROM: Chris Russell  
On-Scene Coordinator

THROUGH: Matt Taylor, Acting Branch Chief  
Emergency Response and Removal Branch

TO: Franklin E. Hill, Acting Director  
Waste Management Division  
Superfund and Emergency Response

Site ID: A4AB



**I. PURPOSE**

The purpose of this Action Memorandum Addendum is to request removal action funding for the ESB, Inc. Site, in Atlanta, Fulton County, Georgia (the "Site"). This request is based on high levels of lead in the soil of fifteen residential and two commercial lots that were contaminated as a result of past operations conducted on the main portion of the Site by Exide Technologies' ("Exide") predecessor, ESB, Inc. Currently, Exide is performing a PRP-lead removal on the portion of the Site that Exide owns, but additional removal action is required on the adjacent parcels that are also part of the Site. As a result of Site conditions, immediate removal actions pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. Section 9604, are needed on the non-Exide owned portions of the Site. This Action Memorandum Addendum requests your authorization for funding removal activities on these parcels, with a total projected ceiling of \$1,028,400. Of this total, an estimated \$792,000 will come from the FY '05 Regional removal allowance.

A removal Action Memorandum/Enforcement ("Action Memo") was approved on November 6, 2003, documenting a proposed removal action at the Site and anticipating its implementation by the party responsible for the contamination - Exide. The Action

Memo contemplated the performance of future sampling to determine the extent of contamination, and discussed the fact that lead had been detected in residential properties and at a day care center in close proximity to the ESB property. On November 12, 2003, EPA entered into an Administrative Order on Consent ("AOC") with Exide to perform removal activities relating to the Site, however, the AOC only requires Exide to address those portions of the Site owned by Exide. This uncommon limitation in the AOC was due to the fact Exide had filed for bankruptcy and was willing only to enter agreements to perform response activities on properties that Exide owns. Through bankruptcy proceedings, the Department of Justice is currently pursuing Exide for its liability for sites, or portions of sites, in which Exide is liable but does not own. Now that additional sampling and investigation of the properties surrounding Exide's property has verified that removal activities must also be conducted on the adjacent properties, funding is necessary to conduct the removal on this portion of the Site.

## II. SITE CONDITIONS AND BACKGROUND

### A. Site Description

The CERCLIS ID number for this time critical removal action is GAD078105749

#### 1. Removal Site Evaluation

The ESB Inc., Site is a defunct facility that manufactured lead-acid automobile batteries. Operations at the Site ceased in 1988. The Site is located in a light industrial area in southwest Atlanta, Georgia, and is bordered on two sides by a densely populated residential community (Figure 1). In 1948, ESB, Inc. (ESB) began operations at this facility by manufacturing automotive batteries. In the later years, ESB revamped its operations to include charging, packaging, and distribution of automotive batteries. In 1982, ESB changed its name to Exide Incorporated (Exide) and is currently owned by Exide Corporation of Horsham, Pennsylvania.

Facility operations during thirty-six years of manufacturing lead-acid automobile batteries included casting lead alloys, producing oxides of lead, mixing lead pastes, and the formation of positive and negative battery plates. Most of the battery production took place in the operations area of the warehouse. The neutralization process included the wastewater treatment system (which discharged into the City of Atlanta's sewage system), two mixing tanks, and the neutralization pit. Accumulated waste sludge from the treatment system and other lead contaminated wastes were sent to a lead smelter in Memphis, Tennessee. It was alleged that during the manufacturing, lead particles were possibly released to the atmosphere via the elevated roof stacks located in the operations area. The operations also included a confined area of the warehouse where ESB conducted acid filling and charging of the batteries.

The EPA conducted an assessment of the ESB, Inc., Site in 2002. A review of the January 2002 EPA Draft Reassessment Report of ESB, Inc. prepared by Roy F. Weston, indicated very high levels of lead contamination at and near the Site. In turn, an Administrative Order on Consent was entered into with Exide Technologies on November 7, 2003 to address the lead contamination on properties owned by Exide Technologies.

EPA ERRB started the removal assessment process in the summer of 2004. As access agreements were obtained, EPA conducted removal assessments, including soil sampling, at properties in the vicinity of the ESB, Inc. Site. Analytical data from these sampling events indicate the presence of high levels of lead contamination, exceeding the Region's removal action levels for fifteen residential properties and two commercial properties.

|              | Residential<br>Results (mg/kg)<br>RANGE for 15<br>Properties | Commerical<br>Results for 1<br>Property (mg/kg) | Daycare<br>Results for 1<br>Property (mg/kg) | Removal Action<br>Levels |
|--------------|--|---|--|--------------------------|
| Lead (mg/kg) |  | 1600 ppm  |  | 1350 ppm                 |
| Lead (mg/kg) |  |   | 640 ppm                                      | 400 ppm                  |
| Lead (mg/kg) | 440 – 1200 ppm   |   |  | 400 ppm                  |

## 2. Physical Location

ESB is located at 1246 Allene Avenue, SW, Atlanta, Georgia 30310. The geographical coordinates are 33 degrees, 43', 00" north latitude and 84 degrees, 24', 03" west longitude. The Site occupies 12 acres of land, has two abandoned buildings, an outside vacant concrete pile, a closed waste neutralization plant, and former battery casing storage area. The Site is bordered by Cab Lift Atlanta and the West Railroad train tracks on the north, residential properties on the west, southeast and south. The nearest group of residential houses is located approximately 500 feet to the west of the facility. A child care center is located directly across the street from the facility on the west. Within one mile of the Site are seven schools, four parks, and two churches. The property is surrounded by chain-linked fence.

The fifteen residential lots and two commercial properties identified for removal actions within this Action Memo are all located within the immediate vicinity of the ESB Site.

## 3. Site Characteristics

The Site lies within the Piedmont physiographic province of west-central Georgia. The climate of this area is mild with slightly cooler temperatures. The average rainfall is 47.5 inches with two peak rainfall periods in midsummer and

late winter. Surface runoff flows primarily into a drainage ditch along the northern perimeter of the Site. This drainage ditch eventually flows from the Site into an unnamed creek of the South River. The Site has an elevation of 1,100 feet and is underlain by Crystalline-rock aquifers.

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

The release or threat of release of hazardous substances at the Site may present an imminent and substantial endangerment to the public health or welfare or the environment. In order to protect the public health or welfare or the environment, it is necessary that action be taken to abate the release or threat of release of hazardous substances from the Site into the environment.

Lead is the primary contaminant in the surface soils at the Site. Lead is a hazardous substance as defined in Section 101 (14) of CERCLA. EPA sampling results indicate the presence of lead in residential lots near the ESB Site at levels ranging from 440 ppm – 1200 ppm (Figures 2 – 3). These levels exceed EPA removal action levels. Sampling results from the daycare located across from the ESB Site indicate the presence of lead in the surface soil at a level of 640 ppm, this level exceeds the removal action level of 400 ppm for lead contamination in soil at residential properties.

Children and pregnant women are especially susceptible to the harmful effects of lead after exposure to high levels over a period of time. The most common exposure pathways are direct contact and hand-to-mouth transmission or the breathing of lead contaminated dust. Given the presence and nature of the contaminant, as well as, the ease of access to the contaminant, this Site poses a risk to both the environment, as well as any individuals who may be on site.

5. NPL Status

This Site is not currently on the National Priorities List (NPL).

6. Maps, pictures, and other graphic representations

All removal file information, including photographs, sketches, videos, etc., will be maintained by the OSC and released to the EPA record center for inclusion in the Site file.

## B. Other Actions to Date

1. Previous Actions

EPA is overseeing a PRP-lead removal action on the portion of the Site owned by Exide Technologies.

EPA has conducted a removal assessment of the properties in the vicinity of the Exide property and has discovered the presence of high elevations of lead in the soil, necessitating that removal activities be extended to these portions of the Site.

**C. State and Other Authorities' Roles**

**1. State and local actions to date**

EPA has notified the Georgia Environmental Protection Division (EPD) of the latest assessment and of EPA's intent to move forward with a removal action on the portions of the Site consisting of the contaminated residential and commercial properties located in the vicinity of the ESB property. EPD has deferred to the EPA for removal actions on these properties.

**2. Potential for continued state/local response**

The Georgia EPD operates under the authority of the Georgia Hazardous Site Response Act which established requirements for investigations and corrective actions at contaminated properties in Georgia. EPA will continue to communicate with EPD about activities related to the Site and any potential ongoing developments. As noted above, EPD has deferred to the EPA for removal actions associated with the properties located within the vicinity of the ESB Site.

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

**A. Threats to Public Health or Welfare**

Lead is the main contaminant of concern at the ESB Site. Lead is a hazardous substance as defined by Section 101(14) of CERCLA and is listed as a hazardous substance in Section 302.4 of the National Contingency Plan (NCP).

The hazardous substances in soils at the Site pose the following threats to public health or welfare as listed in Section 300.415 (b)(2) of the NCP:

- *Section 300.415 (b)(2)(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances pollutants or contaminants.* There is an immediate threat to the human population at the properties that have been identified as having high levels of lead contaminated soil in vicinity to the ESB Site. Lead concentrations in the soil at these properties exceed EPA's removal action level for residential properties. Exposure to lead can happen from breathing dust,

eating contaminated food, or direct contact. These contaminated properties offer multiple opportunities for daily exposures through dermal contact and ingestion.

*-Section 300.415 (b)(2)(iv) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate.* Lead is the contaminant of concern at the Site. Analytical results reveal that high lead levels are present at or near the surface creating a potential for migration to offsite locations. Migration of this contaminant into the nearby unnamed creek may eventually make its way into the South River.

*- Section 300.415 (b)(2)(v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.* The weather in the summer, which is usually dry except for thunderstorms, along with the rain and storms in the winter makes conditions at the Site susceptible to dust clouds and/or flooding. Dry weather liberates excessive lead contaminated soils into the air during the cutting of lawns and by vehicular travel. Because of the Site's topography, wet weather moves contaminated soils from the Site to neighboring land's either by flood water or from surface runoff.

*- Section 300.415 (b)(2)(vii) The availability of other appropriate federal or state response mechanisms to respond to the release.* No other Federal or State mechanisms are able to respond to the release. Georgia EPD has deferred to the EPA for this removal action. EPA will maintain contact with EPD throughout the removal action process.

#### **B. Threats to the Environment**

The hazardous substances abandoned at the Site pose the following threats to the environment as listed in Section 300.415(b)(2) of the NCP.

*Section 300.145 (b)(2)iv) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate.* Lead is the contaminant of concern at the Site. Analytical results reveal that high lead levels are present at or near the surface creating a potential for migration to offsite locations. Migration of this contaminant into the nearby unnamed creek may eventually make its way into the South River.

*- Section 300.415 (b)(2)(v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.* The weather in the summer, which is usually dry except for thunderstorms, along with the rain and storms in the winter makes conditions at the Site susceptible to dust clouds and/or flooding. Dry weather liberates excessive lead contaminated soils into the air during the cutting of lawns and by vehicular travel. Because of the Site's topography, wet weather moves contaminated soils from the Site to neighboring land's either by flood water or from surface runoff.

#### **IV. ENDANGERMENT DETERMINATION**

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

#### **V. PROPOSED ACTIONS AND ESTIMATED COST**

##### **A. Proposed Actions**

##### **1. Proposed Action Description**

The proposed ceiling increase is necessary to continue the removal action at the Site which are not being implemented by the PRP. EPA's removal actions to be funded with the ceiling increase at the Site are the following:

- a. Establish and maintain site security and control access to the Site including temporary relocation where necessary to undertake action;
- b. Further sample to help determine the most economical disposal options.
- c. Remove the contaminated soil from the properties.
- d. Transport and properly dispose of the contaminated soils.
- e. Restore the properties to their pre-removal conditions, this may include, but is not limited to: backfilling the excavated areas and planting appropriate vegetative matter.

##### **2. Contribution to Remedial Performance**

The proposed removal action will address the threats discussed in Section III which meet the NCP Section 300.415 (b)(2) removal criteria. The removal action contemplated in this Action Memorandum would be consistent with any remedial action.

##### **3. Description of Alternative Technologies**

The use of alternate technologies is not anticipated at this time.

##### **4. Engineering Evaluation/Cost Analysis (EE/CA)**

The proposed action is a time-critical removal and does not require an EE/CA.

5. **Applicable or Relevant and Appropriate Requirements (ARARs)**

On-site removal activities conducted under CERCLA are required to attain ARARs to the extent practicable considering the exigencies of the situation. Off-site removal activities need only comply with all applicable Federal and State laws, unless there is an emergency.

No State ARAR's have been identified to date. A meeting was held with Georgia EPD officials and no ARAR's were identified at that time. A formal letter requesting information on any potential State ARAR's was sent to the Georgia EPD on August 25, 2005. Any State ARAR's subsequently identified will be evaluated and considered as they are identified as the removal proceeds.

6. **Project Schedule**

Response actions at the Site will be implemented upon approval of this Action Memorandum. All actions are expected to be completed within twelve months of mobilization.

B. **Estimated Costs**

This Independent Government Cost Estimate was developed using the current ERRS contract rates for personnel and equipment.

**Regional Allowance Costs:**

|                                 |           |
|---------------------------------|-----------|
| ERRS Contractor:                | \$660,000 |
| ERRS Contingency (20%)          | \$132,000 |
| Total Regional Allowance Costs: | \$792,000 |

**Non-Regional Allowance Costs:**

|                             |           |
|-----------------------------|-----------|
| START Contractor:           | \$65,000  |
| Subtotal, Extramural Costs: | \$857,000 |

|                  |           |
|------------------|-----------|
| 20% Contingency: | \$171,400 |
|------------------|-----------|

|                                       |             |
|---------------------------------------|-------------|
| Total Removal Action Project Ceiling: | \$1,028,400 |
|---------------------------------------|-------------|



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

If this response action is significantly delayed or not taken, ongoing migration of contaminants into the environment will continue, increasing the possibility of exposure to the public and environment.

## **VII. OUTSTANDING POLICY ISSUES**

No outstanding policy issues have been identified at this time.

## **VIII. ENFORCEMENT**

EPA anticipates that this will be a fund-lead removal action. An AOC was entered into with Exide Technologies on November 7, 2003 to address the lead contamination on properties owned by Exide Technologies. Due to bankruptcy issues at the time, the Environmental Accountability Division recommended that EPA conduct a fund-lead removal action for any contamination related to the ESB Site, but not on Exide Technologies property, followed up by an updated claim with the bankruptcy court to recover these removal costs. Please see the attached Enforcement Addendum for detailed enforcement information and strategy.

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 \$1,565,740 using the following formula: (Total Removal Project Ceiling + EPA Direct Intramural Costs) + (46.55 x (Total Removal Project Ceiling + EPA Direct Intramural Costs)) or (\$1,028,400 + \$40,000) + (46.55% x (\$1,028,400 + \$40,000)) = \$1,565,740.<sup>1</sup>

## **IX. RECOMMENDATION**

This decision document represents the selected removal action for the ESB, Inc. Site (exclusive of properties owned by Exide Technologies) in Atlanta, Fulton County, Georgia, developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed removal action. The total project ceiling, if approved, will be \$1,028,400. Of this, an estimated \$792,000 will come from the FY'05 Regional removal allowance.

<sup>1</sup> 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.

APPROVED: DATE: 9/20/05

Franklin E. Hill  
Acting Director  
Waste Management Division  
Superfund and Emergency Response

DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

Franklin E. Hill  
Acting Director  
Waste Management Division  
Superfund and Emergency Response

## Attachment

cc: Mike Norman  
Karen Knight  
Jim McGuire  
Ruth Davidson-Norris  
Debbie Jourdan