



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


REPLY TO THE ATTENTION OF.

MEMORANDUM

SUBJECT: **ACTION MEMORANDUM** - Request for a Time-Critical Removal Action at the American Allied Additives Site, Cleveland, Cuyahoga County, Ohio (Site ID # A570)

FROM: James E. Augustyn, On-Scene Coordinator
Stephen Wolfe, On-Scene Coordinator
Emergency Response Branch - Section 1

TO: Richard C. Karl, Director
Superfund Division

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

I. PURPOSE

The purpose of this Memorandum is to request and document your approval to expend up to \$423,600 in order to conduct a time-critical removal action to eliminate an imminent and substantial threat to public health, welfare, and the environment at the former American Allied Additives (AAA) Site. The proposed Removal Action is necessary in order to mitigate the immediate threat to public health, welfare and the environment posed by asbestos in rubble piles on the Site. The presence of asbestos-containing material (ACM) in the building rubble pile was documented by the City of Cleveland and confirmed by an U.S. EPA site assessment conducted on April 15 and 16, 2008. The American Allied Additives Site is located on East 152nd Street in Cleveland, Cuyahoga County, Ohio.

The response action proposed herein will mitigate Site conditions by properly removing and off-site disposal of all building rubble contaminated with asbestos containing material (ACM). This response action will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 19604(a)(1).

Additional Site activities will include perimeter and work zone air monitoring. The fact that the ACM debris is in an uncontrolled area of the city requires that this removal be classified as a time-critical removal action. The project will require an estimated 21 on-site working days to complete.

Removals involving asbestos when it is the principal contaminant of concern have been designated as nationally significant. The removal will follow precedents and protocols set by other asbestos cleanups. The American Allied Additives Site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID # OHO 001 684 349

A. Physical Location and Description

The AAA Site is located at 1146 East 152nd Street, Cleveland, Cuyahoga County, Ohio, 44114. The AAA Site encompasses approximately 109,000 square feet and has one warehouse building that is approximately 50 percent destroyed by the fire. The building has been used by numerous companies in the past as a mixing and storage facility for various products. The building was heavily damaged by a fire on November 9th, 2007. The City of Cleveland's Demolition Bureau authorized the immediate demolition of the unsafe portions of the building after the fire was extinguished. The City of Cleveland requested U.S. EPA's assistance in conducting an assessment and time-critical removal action at the Site.

The geographical coordinates for the Site are: latitude 41E32' 45.8" North and longitude 81E 34' 38.4" West. The property is bordered by light industrial and commercial retail businesses to the north, industrial and commercial properties to the south and east, and residential properties border the Site to the west.

B. Site Background

The AAA Site was used for industrial purposes since 1921 and numerous companies used the facility for the production or storage of various products. A Responsible Party Removal Action was performed at the AAA site in 1997 and approximately 1,100 55-gallon drums and containers of various materials were removed from the site. On November 9th, 2007, the building caught fire due to unknown causes. The City of Cleveland's Demolition Bureau authorized the immediate demolition of the structurally unsound portions of the building.

An Ohio Voluntary Action Program, Phase I Property Assessment was performed on the property in December 2005. The Assessment identified the following hazards at the Site: suspect asbestos-containing materials; several drums and containers of unknown material; above ground storage tanks containing asphalt tar or other petroleum products; wooden block flooring that showed signs of petroleum staining; and bagged material labeled as asbestos containing.

After the fire, the City of Cleveland contracted a private enterprise to perform an asbestos survey in order to document current site conditions. The asbestos survey was conducted in November and December of 2007 and asbestos was identified as follows: approximately 1,300 linear feet of Thermal System Insulation; unquantified volume of commingled ACM debris, and several boilers with asbestos-containing insulation. The asbestos survey report was provided by the City of Cleveland and is dated January 4, 2008.

U.S. EPA performed a Site assessment at the AAA Site on April 15 and 16, 2008, and verified the presence of ACM material through analytical analysis.

According to the Region V Superfund Environmental Justice Analysis, in Ohio the low income percentage is 30% or greater and the minority percentage is 16% or greater. To meet the Environmental Justice (EJ) criteria, the area within one mile of the Site must have a population that's twice the state low income percentage and/or twice the state minority percentage. At the American Allied Additives Site, the low income percentage is 64% and the minority percentage is 91%. Therefore, this Site does meet the Region's EJ criteria based on demographics as identified in Region V's Interim Guidelines for Identifying and Addressing a Potential EJ Case June 1998.

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

The conditions at the AAA Site present an imminent and substantial threat to the public health, or welfare, and the environment, and meet the criteria for a time-critical removal action provided for in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as amended. These factors include, but are not limited to, the following:

I. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

Both the City of Cleveland's survey and the U.S. EPA's Site assessment have confirmed the presence of ACM in rubble piles at the Site. The Site is susceptible to trespass by scrappers and minors which may lead to a release of ACM threatening human health and the environment. The ACM remains uncontrolled with public access on three sides of the Site.

Asbestos is the name given to a number of naturally occurring fibrous minerals with high tensile strength, the ability to be woven, and resistance to heat and most chemicals. Because of these properties, asbestos fibers have been used in a wide range of manufactured goods, including roofing shingles, ceiling and floor tiles, paper and cement products, textiles, coatings, and friction products such as automobile clutch, brake, and transmission parts. The current federal definition of asbestos is the

asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite/grunerite); anthophyllite; tremolite; and actinolite.

Health Effects:

Exposure to airborne friable asbestos may result in a potential health risk because persons breathing the air may breathe in the asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lung. Fibers embedded in lung tissue over time may cause serious lung diseases including: asbestosis, lung cancer, or mesothelioma.

According to the Agency for Toxic Substance and disease Registry:

Asbestos mainly affects the lungs and the membrane that surrounds the lungs. Breathing high levels of asbestos fibers for a long time may result in scar-like tissue in the lungs and in the pleural membrane (lining) that surrounds the lung. This disease is called asbestosis and is usually found in workers exposed to asbestos, but not in the general public. People with asbestosis have difficulty breathing, often a cough, and in severe cases heart enlargement. Asbestosis is a serious disease and can eventually lead to disability and death.

Breathing lower levels of asbestos may result in changes called plaques in the pleural membranes. Pleural plaques can occur in workers and sometimes in people living in areas with high environmental levels of asbestos. Effects on breathing from pleural plaques alone are not usually serious, but higher exposure can lead to a thickening of the pleural membrane that may restrict breathing.

2. *The availability of other appropriate federal or state response mechanisms to respond to the release;*

On November 15, 2007 the Department of Buildings and Housing for the City of Cleveland requested assistance from the U.S. EPA in conducting a time critical removal action at the American Allied Additives Site. Ohio EPA had delegated the primacy for asbestos related issues to the City of Cleveland. Neither Ohio EPA nor any other local government has adequate finances or resources to respond to a time-critical removal action of this magnitude.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the hazardous substances on the 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, present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The OSC proposes that the following actions to mitigate threats posed by the presence of hazardous substances at the Site:

- 1) Develop and implement a Site Health and Safety Plan to include a Perimeter Air Sampling Plan and measures to control ACM during the cleanup;
- 2) Excavate, load, transport and dispose of all ACM debris, or contaminants at an EPA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 CFR § 300.440);
- 3) Take any necessary response action to address any release or threatened release of a hazardous substance, pollutant, or contaminant that the U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal site control consistent with the provisions of Section 300.415(l) of the NCP. Elimination of all surface threats is, however, expected to minimize the need for post-removal Site controls.

The removal action will be conducted in a manner to obtain and preserve information and evidence which may be of use to a civil or criminal investigation of the Site. Actions will also be coordinated with the Ohio EPA to facilitate an orderly transition to their planned Fiscal Year 2008 remedial activities if necessary.

The removal activities described in this memorandum will require an estimated 21 on-site working days to complete.

A detailed cleanup contractor cost estimate is presented in Attachment 1 and estimated project costs are summarized below:

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

Regional Removal Allowance Costs:

Total Cleanup Contractor Costs	\$328,000
(This cost category includes estimates for ERRS, and subcontractors. Includes a 15% contingency.)	

Other Extramural Costs Not Funded from the Regional Allowance:

Total START, including multiplier costs	<u>\$ 25,000</u>
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Subtotal, Extramural Costs	\$353,000
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Extramural Costs Contingency (20% of Subtotal, Extramural Costs)	<u>\$70,600</u>
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TOTAL, REMOVAL ACTION PROJECT CEILING	\$423,600
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The response actions described in this memorandum directly address the actual or threatened release at the AAA Site of a hazardous substance, or of a pollutant, or of a contaminant which may pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions do not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Applicable or Relevant and Appropriate Requirements

The Ohio EPA (Northeast District Office) was contacted (via telephone) on May 5th, 2008, to discuss applicable, relevant and appropriate requirements (ARARs) in regards to asbestos removal. Ohio EPA delegates asbestos regulation to the City of Cleveland's Health Department. On May 12th, 2008, the City of Cleveland's Health Department, Division of Air Quality, was contacted (via telephone) to discuss ARARs. All ARARs of Federal and state law will be complied with to the extent practicable.

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

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

Continued risk to public health, welfare, and the environment will result if no action or delayed action ensues at this Site.

VII. OUTSTANDING POLICY ISSUES

Asbestos is the principal contaminant of concern.

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 \$671,061.¹

$$(\$423,600 + \$25,000) + (49.59\% \times \$448,600) = \$671,061$$

IX. RECOMMENDATION

This decision document represents the selected removal action for the American Allied Additives Site, Cleveland, Cuyahoga County, Ohio, developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision was based upon the administrative record for the Site. Conditions at the Site meet the NCP Section 300.415(b) criteria for a removal and I recommend your approval of the proposed removal action. The total removal action project ceiling if approved will be \$423,600. Of this, an estimated \$398,600 comes from the Regional removal allowance. You may indicate your decision by signing below:

¹Direct 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.

APPROVE: Richard Ke DATE: 7.23-08
Director, Superfund Division

DISAPPROVE: _____ DATE: _____
Director, Superfund Division

Enforcement Addendum

- Attachments:
- I. Detailed Cleanup Contractor Cost Estimate
 - II. Administrative Record Index
 - III. Independent Government Cost Estimate
 - IV. Region V EJ Analysis

cc: D. Chung, U.S. EPA, 5104A
M. Chezik, U.S. Department of the Interior, **w/o Enf. Addendum**
Chris Korleski, Director, Ohio EPA, **w/o Enf. Addendum**
Marc Dann, **w/o Enf. Addendum**

**ENFORCEMENT ADDENDUM
AMERICAN ALLIED ADDITIVES SITE
CLEVELAND, CUYAHOGA COUNTY, OHIO
MAY 2008**

(REDACTED 1 PAGE)

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY**

ATTACHMENT 1

**DETAILED CLEANUP CONTRACTOR ESTIMATE
AMERICAN ALLIED ADDITIVES SITE
CLEVELAND, CUYAHOGA COUNTY, OHIO
MAY 2008**

The estimated cleanup contractor costs necessary to complete the removal action at the American Allied Additives Site are as follows:

Personnel & Equipment	\$ 110,000
Materials & Misc	\$ 42,616
Transportation and Disposal	<u>\$ 132,050</u>
TOTAL	\$ 285,217
Total ERRS w/ 15% contingency	\$ 328,000



ATTACHMENT II

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
AMERICAN ALLIED ADDITIVES SITE
CLEVELAND, CUYAHOGA COUNTY, OHIO

ORIGINAL
MAY 29, 2008

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	12/30/05	Partners Environmental Consulting, Inc.	City of Cleveland	Voluntary Action Program Phase I Environmental Site Assessment for the Midtown Industrial Ware- house at 1146 East 152 nd St. (DRAFT)	229
2	01/04/08	Alpha-Omega Environmental Company	City of Cleveland	Asbestos Site Assessment Report for the Warehouse at 1146 East 152 nd St.	69
3	00/00/00	Weston Solutions, Inc.	U.S. EPA	Site Assessment Report for the American Allied Additives Site (PENDING)	
4	00/00/00	Augustyn, J., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request for a Time-Critical Removal Action at the American Allied Additives Site (PENDING)	

ATTACHMENT 3

**INDEPENDENT GOVERNMENT COST ESTIMATE
AMERICAN ALLIED ADDITIVES SITE
CLEVELAND, CUYAHOGA COUNTY, OHIO**

MAY 2008

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

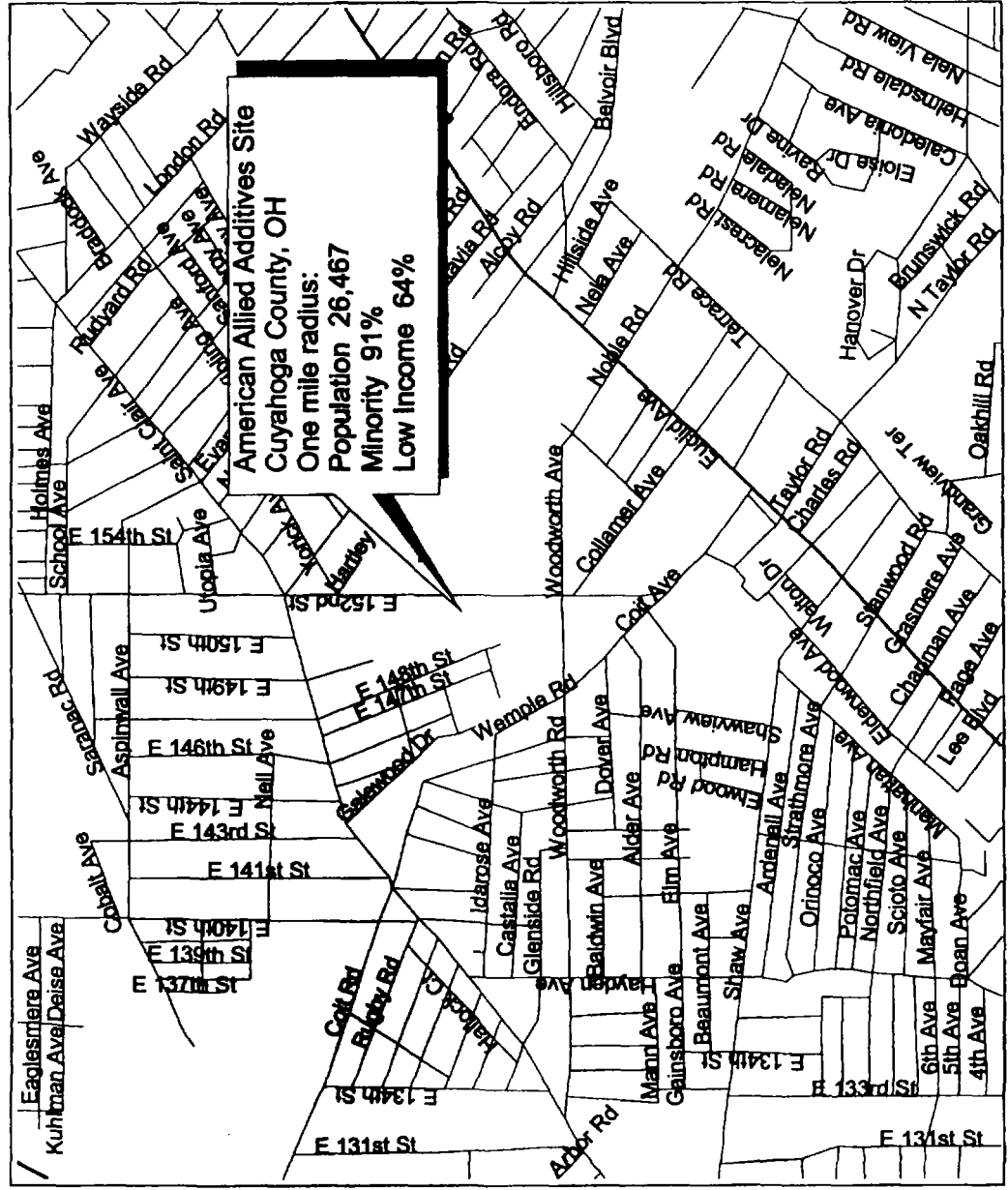
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ATTACHMENT 4

**REGION V EJ ANALYSIS
AMERICAN ALLIED ADDITIVES SITE
CLEVELAND, CUYAHOGA COUNTY, OHIO
MAY 2008**

Region 5 Superfund EJ Analysis

American Allied Additives Site Cleveland, OH



State of Ohio averages:
Minority: 16%
Low Income: 30%

U.S. EPA Region 5
Environmental Justice Case Criteria
for State of Ohio

Minority: 32% or greater
Low Income: 60% or greater



Date of Map: 5/9/06

Source of Map: Census 2000 Database/
ArcView 3.0