



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

EPA Region 5 Records Ctr.



330899

MEMORANDUM **AUG 04 2009**

REPLY TO THE ATTENTION OF

SUBJECT: ACTION MEMORANDUM - Request for a Time-Critical Removal Action and at the Economy Plating Inc. Site, Cook County, Chicago, Illinois (Site ID #B5RT)

FROM: Ramon C. Mendoza, On-Scene Coordinator
Emergency Response Branch 2, Section 2

TO: Richard C. Karl, Director
Superfund Division

THRU: Linda M. Nachowicz, Chief
Emergency Response Branch 2

I. PURPOSE

The purpose of this memorandum is to request and document your approval to expend up to \$860,461 to conduct a time-critical removal action at the Economy Plating Inc. Site (the Site), in Chicago, Illinois to mitigate an imminent and substantial threat to public health, welfare, and the environment posed by the presence of uncontrolled hazardous substances at the Site, a former & abandoned metal plating facility. The hazardous substances include cyanide, acids, caustics, and hexavalent chromium in drums, vats, containers, soil, and tanks inside and outside of the facility.

On June 13, 2009, verbal authority to expend up to \$100,000 was granted by the chief of Emergency Response Branch 2 to conducted an emergency response (ER) at the site which removed and disposed of two drums of highly concentrated cyanide (350,000 mg/kg); and over-packed 18 leaking containers or hazardous substances. In addition, the ER temporarily secured the building and put up signage to discourage trespassing.

The time-critical removal action proposed herein will mitigate the remaining threats by properly identifying, consolidating, packaging, and ultimately removing, and disposing off-site the hazardous substances, pollutants and contaminants. Additional Site activities will include Site security; decontamination of process equipment and the building, as needed; and pumping out of tanks, vats, and floor drains, some of which will need to be dismantled to complete the removal action.

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 §9604(a)(1) to abate or eliminate the immediate threat posed to public health

and/or the environment by the presence of the hazardous substances. The uncontrolled conditions of the hazardous substances present at the Site require that this action be classified as a time-critical removal action. The project will require approximately 60 working days to complete.

The former owner and operator of Economy Plating Inc. has indicated to Chicago DOE that he does not have sufficient funds to remove the threat posed by the hazardous substances, pollutants and contaminants at the Site.

This site is not listed on the National Priorities List (NPL) by the United States Environmental Protection Agency (USEPA). This site does not exhibit any nationally significant or precedent-setting issues associated with the response action herein described.

II. SITE CONDITIONS AND BACKGROUND

The CERCLIS ID # for this Site is: ILN000510347

A. Physical Location and Description

The Site is located at 2348-52 North Elston Avenue, Chicago, Cook County, Illinois 60614. The geographical coordinates for the Site are: Latitude 41.92425 and Longitude -87.67653.

The Site is located in an urban residential and commercial area. The Site is immediately surrounded by residential properties (less than 10 feet away) on the north, west, & south borders and businesses (Subway, Dunkin Donuts, etc..) on the east side along North Elston Avenue. The Site includes an office building with an abandoned apartment on the second floor, and an interconnected two story building for plating operations. A basement area was used for storage of plating waste. The size of the building is approximately 18,028 square feet (including basement and two floors), occupying approximately .20 acres. There is a parking lot in the back area (west) of the Site.

According to the Region 5 Superfund Environmental Justice (EJ) Analysis, the group of residents within one mile radius has a total population of 44, 373. Of the 44, 373 residents, 60% are classified as minority. Thirty percent of the families residing in this block group have an income of less than the established state low income level. To meet the EJ concern criteria in Illinois, the area within one mile of the Site must have a population that is at least 54% low income and/or 64% minority. Therefore the demographic conditions do not indicate an EJ priority for the community for the Economy Plating Inc. Site (Chicago).

B. Site Background, State/Local Compliance, & Response History

Mr. Victor Koerner, the former president and operator for Economy Plating Inc. stated that plating activities have been occurring at the Site for approximately 70 years and was started as a family business. Economy Plating, Inc. provided industrial hard chrome plating for various types of parts. At the present time the building is not operational and has been abandoned since 2003. It is in a dilapidated condition and is in disrepair. There has been no electricity, running water, or heat for several years.

In 1990, Economy Plating, Inc. installed new fume scrubbers and applied for a Federal Air Permit through the Illinois Environmental Protection Agency (IEPA). In 1991, the Federal Air Permit was issued, however IEPA requested further data regarding the building's gas boiler and parking lot. Economy Plating was fined and negotiations began with IEPA that continued for seven years. In 1997, Economy Plating tested and passed new air quality standards, but in 1999 IEPA found fault with the testing and requested re-testing.

A citizen's complaint was filed due to apparent seepage on the building's north wall. IEPA inspected the property on February 10, 2000, and found deteriorating bricks with a yellow powdery residue. Victor Koerner, president of Economy Plating, told IEPA that the yellow residue appeared to be sodium hydroxide, which was used in the plating process and agreed to address the problem. Corrective actions included masonry repairs, soil sampling, and soil removal. On June 2, 2000, IEPA conducted a follow-up inspection and verified that masonry repairs were made. Soil samples taken from the area were analyzed for total chromium and lead. The TCLP results indicated a non-hazardous concentration of chromium and lead in the soil from outside the building and no further action was requested by IEPA.

In 2001, IEPA filed a lawsuit with the Pollution Control Board asking for a \$10,000 per day fine for a chrome tank that was not included in the original 1978 permit, but included on the 1991 permit. Between the years 2002 to 2003, equipment and raw materials were sold. Economy Plating closed on December 31, 2003.

In 2004, the Illinois Attorney General won an uncontested suit against Economy Plating Inc. which resulted in a \$5,000 fine and cease plating operations order. In 2005, Victor Koerner suffered an injury in an electrical explosion while disconnecting an unauthorized electrical connection. The unauthorized connection was made by thieves attempting to transfer electricity from an adjacent second-floor apartment into the main building. Vandals removed all the copper wire from the building, which remains vacant.

Chicago Department of the Environment (DOE):

On January 27, 2009, the Chicago Department of the Environment (DOE) discovered and inspected the Site and found it to be abandoned and vacant, with uncontrolled

access. DOE found evidence of vandals and scavengers. They found about 400 gallons of product in the vats, about seventy-five 55-gallon drums, and thirty five 5 gallon containers throughout the Site. The drums and containers were labeled in such a manner ("Acid" and "corrosive") that they were suspected to contain hazardous substances. In addition, DOE found contaminated soil in the basement area.

DOE ordered Mr. Koerner to clean up the Site after its January 2009 inspection. In April 2009, Mr. Koerner indicated to DOE that he did not have adequate funds to clean up the site. On May 5, 2009, DOE contacted USEPA Region 5 (Samuel Borries, Section Chief Removal Section 2, Removal Branch 2, Superfund Division) to refer the Site for cleanup.

U.S. Environmental Protection Agency (USEPA) Site Assessment and Emergency Response

On May 12, 2009, USEPA OSC Mendoza inspected the Site with Chicago DOE inspectors, and Mr. Koerner. The inspection confirmed Chicago DOE's previous findings and found additional drums marked chromic acid or corrosive in an unlocked steel container in the parking lot. The container was secured with chain/lock by USEPA START contractors the next day. In addition, USEPA noted that the outside and inside walls of the north, west, and south sides of the plating shop exhibit a yellow and green material suspected to be hexavalent chromium. USEPA OSC and START contractors returned on June 5, 2009, to conduct a site assessment (SA) and collected liquid and solid samples.

START and OSC found several leaking containers containing hazardous substances associated with chrome plating marked chromic acid/corrosive in the basement. Fresh signs of trespassing (broken windows, alcohol bottles) were noted. START and OSC found evidence that weather (rain) had gotten into the building through holes in the ceilings and walls in the basement, and noted that the rain had gotten in contact with hazardous substances. Twelve chrome plating vats were found in the facility, half of which contained varying levels of liquid and sludge, suspected to be hazardous substances. In addition, nine of the vats rested on a sub-floor to contain spills. This sub-floor contained liquids and sludge suspected to contain hazardous substances.

Initial results from the sampling were received on June 12, 2009. Based on the analyses of the samples, all the solid samples contained cyanide in varying concentrations. Specifically, open containers were found containing total cyanide up to 350,000 mg/kg (USEPA Hazardous Waste Number D003). Eight of nine solid samples and all of the liquid samples, exceeded the maximum concentration of contaminants for the toxicity characteristic for chromium (USEPA Hazardous Waste Number D007). Specifically, liquid samples found hexavalent chromium from 20,000 to 240,000 mg/l. Toxicity characteristic were also exceeded for Arsenic (USEPA Hazardous Waste Number D004) and Cadmium (USEPA Hazardous Waste Number D006) in liquid samples. In addition, two of the liquid samples exhibited the characteristic of corrosivity (USEPA Hazardous Waste Number D002).

C. USEPA Emergency Response

The presence of highly concentrated cyanide in open containers and acids (some in leaking containers) and trespassing at the facility presented the unacceptable risk that hydrogen cyanide gas may be produced and released into the community. As a result, USEPA conducted an emergency response at the facility from June 13 to June 17. The goals of the ER were to collect, transport and dispose of all of the highly concentrated cyanide waste, secure all of the leaking containers in the basement, and secure the building to the extent practical to prevent trespassing at the facility. USEPA mobilized to the site on June 13 and successfully collected all of the aforementioned cyanide which was over-packed in two 55 gallon drums. Eighteen leaking containers in the basement were repacked plus one drum of nitric acid. The facility was locked and boarded up on the first floor and signs put up to keep trespassers away. The two drums of cyanide waste were picked up and disposed of on June 17. Total ERRS contractor cost for the ER was approximately \$7,484.80. The ER was conducted in coordination with the local Alderman's office, Chicago DOE, Chicago Fire & Police Departments.

At the conclusion of the ER, hazardous substances including chromic acid, nitric acid, hydrochloric acid, hexavalent chromium, and low concentrations of cyanide, arsenic, and cadmium still remain at the facility. The aforementioned substances are in twelve contaminated vats and their secondary containment tanks, about 110 fifty-five gallon drums, and 85 miscellaneous containers. In addition, basement soils, the walls, and floors of the plating shop area are contaminated with yellow material suspected to be hexavalent chromium.

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

The conditions present at the Economy Plating Inc. (Chicago) Site present an imminent and substantial threat to the public health, or welfare, and the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as amended, 40 CFR Part 300. These factors include, but are not limited to, the following:

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

The site is located in a residential neighborhood. The closest residential building is less than 10 feet away from the Site's building outside wall which is showing signs of chromium contamination. Residential buildings surround the Site on three sides. Pedestrian traffic by the Site is ongoing and includes pregnant women and children. The OSC observed children touching the building walls as they walked by. Although controls against trespassing inside the facility are in

place, these are temporary and currently there are no controls for people touching the outside walls stained with plating waste.

Solid waste containing hazardous substances remain at the site. These hazardous substances include chromium (hexavalent and trivalent), chromic, hydrochloric, and nitric acids, arsenic, low concentrations of cyanide, and Cadmium. These substances have been detected in solid and liquid solutions in up to 195 containers, 12 vats/secondary containment tanks, basement soils, building floors and walls.

U.S. EPA anticipates any and all of the hazardous substances referenced above remain on Site in various locations and quantities. Full characterization and quantification will take place on Site once removal activities are initiated.

Based on the sampling results and pursuant to 40 CFR 261.20-24, the aforementioned hazardous substances have been found in solid waste at the Site which are considered hazardous waste based on the RCRA characteristics of corrosivity (chromic, hydrochloric, nitric acids, USEPA Hazardous Waste Number D002), reactivity (cyanide, USEPA Hazardous Waste Number, D003) and Toxicity (chromium, USEPA Hazardous Waste Number D007; cadmium, USEPA Hazardous Waste Number D006; and arsenic, USEPA Hazardous Waste Number D004).

Cyanide - Cyanide is usually found joined with other chemicals to form compounds. Examples of simple cyanide compounds are hydrogen cyanide, sodium cyanide and potassium cyanide. Certain bacteria, fungi, and algae can produce cyanide, and cyanide is found in a number of foods and plants. Hydrogen cyanide is a colorless gas with a faint, bitter, almond-like odor. Sodium cyanide and potassium cyanide are both white solids with a bitter, almond-like odor in damp air. Cyanide and hydrogen cyanide are used in electroplating, metallurgy, organic chemicals production, photographic developing, manufacture of plastics, fumigation of ships, and some mining processes. Exposure to high levels of cyanide for a short time harms the brain and heart and can even cause coma and death. Workers who inhaled low levels of hydrogen cyanide over a period of years had breathing difficulties, chest pain, vomiting, blood changes, headaches, and enlargement of the thyroid gland. Some of the first indications of cyanide poisoning are rapid, deep breathing and shortness of breath, followed by convulsions (seizures) and loss of consciousness. These symptoms can occur rapidly, depending on the amount eaten. The health effects of exposure to large amounts of cyanide are similar, whether you eat, drink, or breathe it; cyanide uptake into the body through the skin is slower than these other means of exposure. Skin contact with hydrogen cyanide or cyanide salts can irritate and produce sores.

Cadmium - Cadmium is a natural element in the earth's crust. It is usually found as a mineral combined with other elements such as oxygen (cadmium oxide), chlorine (cadmium chloride), or sulfur (cadmium sulfate, cadmium sulfide). All soils and rocks, including coal and mineral fertilizers, contain some cadmium. Most cadmium used in the United States is extracted during the production of other metals like zinc, lead, and copper. Cadmium does not corrode easily and has many uses, including batteries, pigments, metal coatings, and plastics. Breathing high levels of cadmium severely damages the lungs and can cause death. Eating food or drinking water with very high levels severely irritates the stomach, leading to vomiting and diarrhea. Long-term exposure to lower levels of cadmium in air, food, or water leads to a buildup of cadmium in the kidneys and possible kidney disease. Other long-term effects are lung damage and fragile bones. Skin contact with cadmium is not known to cause health effects in humans or animals. The U.S. Department of Health and Human Services (DHHS) has determined that cadmium and cadmium compounds may reasonably be anticipated to be carcinogens. Cadmium is also listed under D006 as a hazardous waste.

Chromium - Chromium is a naturally occurring element; however, hexavalent chromium is generally produced by industrial processes such as chrome plating and finishing. The health effects of exposure to trivalent and hexavalent chromium has been researched and is well documented. Existing information about chromium, especially hexavalent chromium, is mainly related to worker exposure. Plating industry workers and workers in other industries utilizing chromium are most susceptible to toxic levels. Hexavalent and trivalent chromium can be toxic at high levels; however, hexavalent chromium is the most toxic. Chromium is also listed under D007 as a hazardous waste. According to the National Institute of Occupational Safety and Health (NIOSH), the immediately dangerous to life and health (IDLH) level for chromium is 250 micrograms per cubic meter (ug/m³).

Arsenic – Arsenic (As) is an element that is widely distributed in the earth's crust. Elemental arsenic is a steel grey metal-like material. Arsenic is usually found in the environment combined with other elements such as oxygen, chlorine, and sulfur. It is released into the air by volcanoes, through weathering of arsenic-containing minerals and ores, & by industrial or commercial processes. In industry, arsenic is used in processes such as bronze plating, electronics manufacturing, and hardening of metal alloys. In general, the main way people are exposed to Arsenic is by eating arsenic containing food, and exposure through air, soil, and water. Most of the toxic effects arise from exposure to inorganic arsenic. These effects include cancer and damage to kidneys, liver, nervous system, lungs, reproductive system, and bone marrow. Arsenic is listed under D004 as a hazardous waste. According to DHHS the minimum risk levels for arsenic for oral exposure is .005 mg/kg/day for acute exposure and .0003 mg/kg/day for chronic exposure.

Exposure pathways to the aforementioned hazardous substances at the Site include direct contact and inhalation associated with the building floors, soils, interior and exterior walls, open tanks, vats, drums, and containers.

Unrestricted access onto the Site (trespassing) could result in an accidental or intentional release of hazardous material, contact with hazardous materials, and/or a reaction generating toxic gases. The close proximity of residences and other vulnerable areas immediately surrounding the Site would greatly increase the likelihood of human health and environmental impacts. The vats and drums of material are located inside the building with little to no secondary containment. The OSC and START observed evidence of significant roof damage in numerous areas at the facility which may cause tanks and vats to overflow and release their contents onto the floor. Contaminants may flow unimpeded into the street and the combined storm sewer. Potential exposure could occur through each of these migration pathways and cause imminent endangerment to human health and the environment.

2) Actual or potential contamination of drinking water supplies or sensitive ecosystems.

During the Emergency Response, USEPA documented rain water running off the roof and walls, and noted that it was green, indicating that contaminants may flow from the Site unimpeded into the street and storm sewers (drain located on Site) and may eventually get into Lake Michigan. In addition, the City of Chicago and other communities in the area utilize water from Lake Michigan as their primary source of drinking water.

Hazardous substance from the Site may migrate through the storm sewer system and enter the Lake and impact sensitive ecosystems and contaminate drinking water supplies.

3) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;

During the USEPA Site Assessment and at the conclusion of the Emergency Response, the OSC and START observed that hazardous substances including chromic acid, nitric acid, hydrochloric acid, hexavalent chromium, and low concentrations of cyanide, arsenic, and cadmium still remain at the facility. The aforementioned substances mixed with other wastes in about 195 containers including twelve contaminated vats and their secondary containment tanks. In addition, basement soils, the walls, and the floors of the plating shop area are contaminated with a yellow material suspected to be hexavalent chromium.

Trespassing at the Site can result in an accidental or intentional release of hazardous substances, contact with hazardous substances, and/or a reaction generating toxic gases into the community. In addition, the fact that chrome plating waste appears to be leaching through the building's outside walls, and the close proximity of the Site to residences and other vulnerable areas greatly increases the potential threats to human health and environment.

4) High levels of hazardous substances or pollutants or contaminants in soil largely near the surface that may migrate;

During the Site Assessment, USEPA collected soil samples from a yellowish soil pile in the basement of the Site. The results show the samples to be hazardous waste (pursuant to 40 CFR 261.24) based on the RCRA characteristics of toxicity (chromium, USEPA Hazardous Waste Number D007; and arsenic, USEPA Hazardous Waste Number D004). Chromium was detected at 2500 mg/l which is three orders of magnitude higher than the criteria of 5 mg/l. Arsenic results were at 6 mg/l (above the 5 mg/l criteria). The soil is piled up next to the buildings walls. An inspection of the corresponding outside walls indicates that the hazardous substances are migrating to the outside walls. Weather effects can cause the contamination in the outside building walls to migrate into the neighborhood and into the storm drain system.

No attempt has been made to decontaminate the walls, excavate potentially contaminated soil at the base of the walls, or to decontaminate the outside walls.

5) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Holes were found in the ceiling of the building during the site assessment with signs that rain was entering the building. In addition, water was observed seeping into the basement from the outside. Chicago DOE also reported ice in the basement during their inspection in January 2009. Visual inspection of the building indicated spillage of chrome plating sludge on the shop floors and into the soils in the basement. The inspections indicate that the saturation of these soils and sludge through rain and basement seepage is causing the contamination to migrate to the building's outside walls. Contamination from the buildings walls may migrate (through rainfall and ice) to the sidewalks and to the storm sewers

In addition, rainfall runoff from the building roof (where the air exhaust system is located) to the storm sewers was observed to be green during the ER, indicating contamination may be migrating to the storm sewer system and eventually to Lake Michigan.

6) Threat of fire or explosion.

There is a high threat of fire due to the presence of flammable liquids, oxidizers and history and continued potential for trespassing and vandalism.

Several gasoline containers and drums containing flammable liquids (methyl ethyl ketone, xylene, and isopropanol) were observed during the site assessment. These liquids may interact with oxidizers also present at the site (such as chromic acid), causing a fire or explosion.

Evidence of recent unauthorized entry (beer and liquor bottles, fast food wrapping) was present during the site assessment and ER. Although new locks and boarding was installed, there is no security 24 hours 7 days a week at the Site. As temperatures decrease later in the year, the potential for vagrants entering the building for shelter and starting a fire for warmth, or more likely in search of scrap metal, increases. If a fire were to occur at the Site, it would have the potential to produce toxic gases, irritants, acidic smoke that would impact the residential community and potentially require an evacuation. Contaminated runoff from fire fighting activities would enter the sewer system. In addition, the fire safety systems (alarms and sprinkler systems) are inoperable.

7) The availability of other appropriate Federal or State response mechanisms to respond to the release;

On May 5, 2009, Mr. Terrence Sheahan, Permitting & Enforcement of the Chicago Department of Environment formally requested USEPA assistance in conducting a hazardous waste removal assessment and possible time-critical removal action at the Economy Plating Inc. Site located at 2348-50 North Elston Ave. Chicago, Illinois. The city has been working with the responsible party since they discovered the Site in January 2009 and has determined that they were unable to pay to properly clean up the Site.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the known and suspected hazardous substances on the Site, plus the potential exposure pathways described in Sections II and III, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

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

1. Develop and implement a Site-specific Health and Safety Plan, including an Air Monitoring Plan, and a Site Emergency Contingency Plan;
2. Develop and implement a Site Security Plan;
3. Inventory and perform hazard characterization on all substances contained in containers, drums, vats, sweepings, unknown materials, and tanks;
4. Consolidate and package all hazardous substances, pollutants and contaminants for transportation and off-site disposal;
5. Investigate the potential for soil and building wall/floor contamination on the property;
6. Dismantle and decontaminate process equipment (including air pollution control system), tanks/vats, associated piping, and building components associated with the product process area, as necessary;
7. Transport and dispose of all characterized or identified hazardous substances, pollutants, wastes, or contaminants that pose a substantial threat of release at a RCRA/CERCLA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 CFR § 300.440); and
8. Take any other response actions to address any release or threatened release of a hazardous substance, pollutant or contaminant that the EPA OSC 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.

The threats posed by open and deteriorated tanks and drums, in addition to numerous unidentified closed drums containing substances considered hazardous substances meet the criteria listed in Section 300.415(b)(2) of the NCP and the response actions proposed herein are consistent with any long-term remedial actions which may be required. However, elimination of hazardous substances, pollutants and contaminants that pose a substantial threat of release are expected to greatly minimize substantial requirements 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 in a civil or criminal investigation of the Site. Actions will also be coordinated with the Chicago DOE and Illinois EPA to facilitate an orderly transition of remedial activities if necessary.

The estimated costs to complete the above activities are summarized below. These activities will require an estimated 60 on-site working days to complete.

Detailed cleanup contractor costs are presented in Attachment F:

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

<u>Regional Removal Allowance Costs:</u>	\$ 694,238
Total Cleanup Contractor Costs (Includes a 10% contingency).	

Other Extramural Costs Not Funded from the Regional Allowance:

Total START, (including multiplier costs)	\$ 88,000
Subtotal, Extramural Costs	\$ 782,238
Extramural Costs Contingency (10% of Subtotal, Extramural Costs)	\$ 78,223
TOTAL, REMOVAL ACTION PROJECT CEILING	\$ 860,461

The response actions described in this memorandum directly address the actual or threatened release of hazardous substances, pollutants, or contaminants at the Site 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 the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Applicable or Relevant and Appropriate Requirements

All applicable and relevant and appropriate requirements (ARARs) of Federal and State law will be complied with to the extent practicable. The OSC sent an email to Bruce Everetts of IEPA on July 9, 2009, requesting the State to identify ARARs. Any state ARARs identified in a timely manner 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 shall 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.

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

Delayed or no action will result in increased potential of the toxic and hazardous substances to release, thereby threatening the environment and the health and welfare of nearby residents and other persons who are in proximity to the Site.

VIII. OUTSTANDING POLICY ISSUES

None

IX. ENFORCEMENT

Currently, the Site has been placed into a Land Trust. On June 23, 2009, USEPA issued a General Notice of Potential Liability to the former president/operator (Mr. Victor J. Koerner) of the Site, beneficiaries to the Land Trust, and the Land Trust itself (Attachment A Enforcement Addendum).

Given the scope and cost of the proposed removal actions at the Site, and considering both information received about Mr. Koerner's inability to comply with Chicago DOE's recommendation to cleanup the site and his evident poor historic operation of the facility, USEPA has concluded that there is no one capable of performing the removal actions in a prompt and safe manner.

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum (Attachment A).

The total USEPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$ 1,499,523¹.

$$(\$ 860,461 + \$ 60,000) + (62.91\% \times 920,461) = \$ 1,499,523$$

¹ 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-judgement 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.

X. RECOMMENDATION

This decision document represents the selected removal action for the Economy Plating Inc. Site Chicago, Cook County, Illinois. This document has been 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, see Attachment C. Conditions at the Site meet the NCP §300.415(b)(2) criteria for a time-critical removal action and I recommend your approval of the proposed removal action.

The total removal project ceiling, if approved, will be **\$ 860,461**. Of this, an estimated **\$ 694,238** may be used for the cleanup contractor costs. You may indicate your decision by signing below.

APPROVE: *for Richard GARC* DATE: 8/4/09
Director, Superfund Division

DISAPPROVE: _____ DATE: _____
Director, Superfund Division

ATTACHMENTS:

- A. Enforcement Addendum
- B. Site Location Map
- C. Administrative Record Index
- D. Environmental Justice Analysis
- E. Independent Government Cost Estimate
- F. Detailed Cleanup Contractor Cost Estimate

cc: D. Chung, U.S. EPA, 5203-G
Terrence Sheahan, Chicago DOE, **w/o Enf. Addendum**
Don Klopke, IEPA, **w/o Enf. Addendum**
M. Chezik, U.S. DOI, **w/o Enf. Addendum**

BCC PAGE

(REDACTED 1 PAGE)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

ATTACHMENT A

ENFORCEMENT ADDENDUM

**ECONOMY PLATING INC. SITE
CHICAGO, COOK COUNTY, ILLINOIS**

JULY 2009

(REDACTED 2 PAGES)

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY**

ATTACHMENT C

U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

ADMINISTRATIVE RECORD For ECONOMY PLATING INC. SITE CHICAGO, COOK COUNTY, ILLINOIS

ORIGINAL
JULY 29, 2009

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	01/27/09	Badillo, P.,	Mendoza, R., U.S. EPA	Site Inspection of Abandoned/Vacant Facility at the Economy Plating Inc. Site	19
2	02/05/09	Scott, D., Illinois EPA	Stan Chicago DOE	RCRA TSD Inspection Report for the Economy Plating Inc. Site	21
3	04/23/09	Chicago Dept. of Environment	File	Narrative Evaluation: Summary of Telephone Conversation Between V. Koemer and P. Badilo	1
4	05/00/09	Sheahan, T.,	Mendoza, R., U.S. EPA	Recent History of the Facility at 2350 N. Elston, Chicago, IL	1
5	05/05/09	Borries, S., U.S. EPA	Mendoza, R., U.S. EPA	Economy Plating Inc. Site Referral from Chicago DOE	1
6	05/07/09	Lohse, T.	Hesse, J.,	Notice to Disclose Beneficiaries by Land Trust . . .	1
7	05/12/09	Mendoza, R., U.S. EPA		Consent to Access to Property	1
8	06/15/09	Mendoza, R., U.S. EPA	Distribution List	Pollution Report (POLREP) No. 1 for the Economy Plating Inc. Site	2
9	06/18/09	Mendoza, R., U.S. EPA	Distribution List	Pollution Report (POLREP) #2 ER Phase of Cleanup Completed at the Economy Plating Inc. Site	3
10	06/23/09	Mullins, V., U.S. EPA	Koerner, V., <i>et al</i>	General Notice of Potential Liability re: the Economy Plating Inc. Site	7

Economy Plating
Original
Page 2

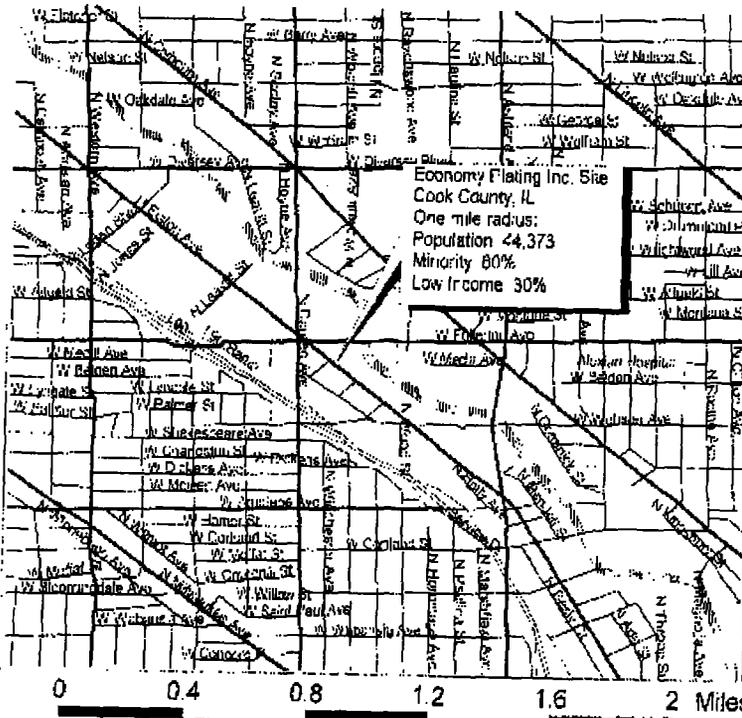
<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
11	07/07/09	Weston Solutions	Mendoza, R., U.S. EPA	Site Assessment Report for the Economy Plating Inc. Site	124
12	07/09/09	Mendoza, R.,	Everetts, B.,	Email Message re: U.S. EPA's Requests that Illinois EPA Identify all ARARs for the Economy Plating Inc. Site (Chicago)	2
13	00/00/00	Mendoza, R., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request for a Time - Critical Removal Action at the Economy Plating Inc. Site (PENDING)	

ATTACHMENT D

REGION 5 EJ ANALYSIS

Region 5 Superfund EJ Analysis

Economy Plating Inc. Site Chicago, IL



State of Illinois averages:
Minority: 32%
Low Income: 27%

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

Minority: 64% or greater
Low Income: 54% or greater

AP / No. 2121
© 2004 The Urban EJC Analysis
2004.11

ATTACHMENT E

INDEPENDENT GOVERNMENT COST ESTIMATE

**ECONOMY PLATING INC. SITE
CHICAGO, COOK COUNTY, ILLINOIS**

JULY 2009

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

(REDACTED 2 PAGES)

ATTACHMENT F

**DETAILED CLEANUP CONTRACTOR COST ESTIMATE
INDEPENDENT GOVERNMENT CLEANUP CONTRACTOR ESTIMATE**

**ECONOMY PLATING INC. SITE
CHICAGO, COOK COUNTY, ILLINOIS**

JULY 2009

The estimated cleanup contractor (ERRS) costs necessary to complete the removal action at the Economy Plating Inc. Site are as follows:

Personnel & Equipment	\$ 359,976
Materials	\$ 69,550
Sampling and Analysis	\$ 25,000
Transportation and Disposal	<u>\$ 176,600</u>
Total	\$ 631,126
Plus 10% Contingency	\$ 63,112
Total ERRS Contractor Costs	\$ 694,238