

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
Perry & Derrick Paint Site - PRP Removal - Removal Polrep
Initial Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region V

Subject: POLREP #1
PRP Removal INITIAL
Perry & Derrick Paint Site - PRP Removal
C539
Norwood, OH
Latitude: 39.1667322 Longitude: -84.4426836

To:
From: Steven Renninger, On-Scene Coordinator
Date: 8/26/2011
Reporting Period: June 17 through August 26, 2011

1. Introduction

1.1 Background

| | | | |
|----------------------------|-----------|--------------------------------|----------------|
| Site Number: | C539 | Contract Number: | |
| D.O. Number: | | Action Memo Date: | 5/24/2011 |
| Response Authority: | CERCLA | Response Type: | PRP Oversight |
| Response Lead: | EPA | Incident Category: | Removal Action |
| NPL Status: | Non NPL | Operable Unit: | |
| Mobilization Date: | 7/15/2011 | Start Date: | 7/15/2011 |
| Demob Date: | | Completion Date: | |
| CERCLIS ID: | | RCRIS ID: | |
| ERNS No.: | | State Notification: | |
| FPN#: | | Reimbursable Account #: | |

1.1.1 Incident Category

PRP Removal

1.1.2 Site Description

The Perry & Derrick (P&D) Paint Site was initially developed for the Continental Can Corporation as a manufacturing facility in approximately 1908.

The P&D Company took ownership and began operations at the Site in 1958. The P&D Company operated as a solvent and water-based paint manufacturing and distribution facility until 2000.

In November 2000, the P&D Company filed for bankruptcy protection under Chapter 11 of the U.S. Bankruptcy Code. The case was converted to Chapter 7 and the Company was liquidated in bankruptcy with real property, equipment and inventory located at the Site sold to JETS Realty, LLC (JETS) in 2003 as an asset sale. The manager of JETS is a family member of the former owner of the P&D Company.

JETS owned the property from 2003 to 2010 and leased portions of the property to various companies, including P&D Paints, LLC (P&D Paints). The manager of JETS and P&D Paints is the same. P&D Paints operated as a paint retailer and paint manufacturing facility.

In January 2010, the Site was purchased (via Sherriff's auction) by Norwood Dreams LLC (Norwood Dreams). Norwood Dreams subsequently leased a portion of the property back to the former owner, JETS (aka P&D Paints), to continue selling and manufacturing paint products.

P&D Paints leased Buildings F, G, H, K, and O for warehousing, retail store operations, paint manufacturing and office space. A map of the facility with the Building names is located in the Documents Section of the website.

In early spring 2011, Norwood Dreams began eviction proceedings with the former Site owner and on or about April 25, 2011, the former Site owner vacated the property and Norwood Dreams began cleaning out the non-hazardous debris from the various facility buildings in preparation for partial demolition and property renovation activities.

All electric utilities have been shut off to the Site. A fence extends around the property to prevent access. According to the Norwood Police Department (NPD), from September 2007 to April 2011, there have been at least five reported incidents of breaking and entering and vandalism on the property.

1.1.2.1 Location

The P&D Paint Site is located at 2511 Highland Avenue in Norwood, Hamilton County, Ohio 45212. The geographical coordinates for the Site are 39° 9' 59.2344" North latitude and 84° 26' 39.5556" West longitude. The Site is located on 3.59 acres in an industrial park in the eastern part of Norwood, just north of the Norwood Lateral Parkway (State Road 562). The Site is bordered to the north by Highland Avenue; to the east by active railroad tracks; to the south by commercial and industrial properties (Ohio Woodworking and Metro Containers); and to the west by residential properties, Linden Avenue and Harper Avenue. Commercial businesses are located within 500 feet of the Site, and the closest residences are located 100 feet west of the Site.

1.1.2.2 Description of Threat

On April 27, 2011, the NPD conducted a routine security drive-by of the P&D Paint facility. The NPD officer observed that the Site was not secure. There were holes in the perimeter fencing, doors open to various facility buildings and there was evidence of trespassing. Upon further inspection, the officer observed hundreds of drums and containers of paint products and raw materials, many of which were labeled "Flammable Liquid", "Ammonia", "Methyl Ethyl Ketone (MEK)" and "Corrosive." The NPD officer also observed a leaking drum and a rolloff box containing debris with a blue pigment liquid dripping from the base of the rolloff box onto the ground. The NPD immediately notified the Norwood Fire Department (NFD) to request assistance to assess the potentially hazardous situation at the Site. NFD Chief Curt Goodman mobilized to the Site and conducted an inspection of the abandoned facility. NFD Chief Goodman observed numerous drum, tanks, totes and containers having flammable liquid and corrosive labels. NFD Chief Goodman observed a drum leaking its contents onto the floor in addition to numerous other areas throughout the facility with visible paint and solvent liquid product on the floor. NFD then notified the Ohio Environmental Protection Agency (Ohio EPA) for assistance.

Ohio EPA On-Scene Coordinator (OSC) Jim Crawford mobilized to the Site and met with representatives from NFD, NPD, the City of Norwood, the Norwood Health Department (NHD), the Cincinnati Municipal Sewer District, the former Site owner and representatives from the current Site owner, Norwood Dreams. Following an inspection by Ohio EPA and observing hundreds of drums and containers with flammable and corrosive labels, Ohio EPA requested assistance from U.S. EPA to evaluate the site for a removal action to remove the hazardous waste on site.

On April 27, 2011, U.S. EPA and U.S. EPA's Superfund Technical Assessment and Response Team (START) contractor mobilized to the Site and conducted an inspection of the facility and observed approximately 1,500 55-gallon drums and approximately 8,000 containers (5-gallons or less). During the inspection, the OSC documented leaking drums, tanks and containers containing flammable, corrosive and toxic hazardous waste.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

On April 29, 2011, U.S. EPA OSC Steve Renninger and U.S. EPA's START contractor mobilized to the P&D Paint Site to conduct a removal Site Assessment. A site access agreement was signed by Norwood Dreams to allow U.S. EPA and its START contractor access to the property for sampling. Activities performed during the Site Assessment included:

- Documenting Site conditions;
- Air monitoring;
- Collecting samples from drums, containers and floor solids; and
- Submitting the samples for commercial laboratory analysis.

During the Site assessment, approximately 1,500 55-gallon drums, 25 totes, 10 tanks, 8,000 small containers (5-gallons or less) and 2,300 aerosol paint cans were documented abandoned on Site. Many of the drums and containers contained labels such as "Flammable Liquid", "Ammonia", "Hydrochloric Acid", "Sulfuric Acid", "Phosphoric Acid", and "MEK." Numerous drums were in poor condition, bulging and leaking. Paint and solvent liquid product was observed pooled and spilled on the floor in numerous locations around the facility. Residential properties are located within 100 feet of the western perimeter of the Site.

Field screening and pH testing of drums and containers indicated that many of the materials met the RCRA criteria for characteristic hazardous waste including ignitability and corrosivity. One 30-gallon drum was labeled "Sodium Hydrosulfite." For safety reasons, the drum was not sampled because the chemical is a flammable solid and may ignite with moisture and the air.

U.S. EPA collected the following samples during its Site Assessment: three liquid samples from 55-gallon drums; two liquid samples from 20-gallon drums; 13 liquid samples from containers (having a volume of 5-gallons or less) and one sample of a pile of unknown solids on the floor. The samples were submitted for commercial laboratory analysis.

Analytical results from samples S-1 through S-4, S-7 through S-9, and S-13 through S-18 documented liquid having flash points less than 140°F, which, according to 40 C.F.R. 261.21, verifies the characteristic of a hazardous waste for ignitability (D001).

Analytical results from liquid samples S-5, S-6, S-11, and S-12 documented liquid waste having pH levels less than or equal to 1.82 standard units. Analytical results from sample S-19 documented a liquid having a pH of 14.4 standard units. Analytical results from liquid samples S-5, S-6, S-11 and S-12 indicate pH

levels less than 2.0 standard units, and analytical results from liquid sample S-19 indicates a pH level greater than 12.5 standard units. All five results, according to 40 C.F.R. 261.22, verify the characteristic of a hazardous waste for corrosivity (D002).

U.S. EPA documented one drum containing sodium hydrosulfite, which is a flammable solid and may ignite with the moisture in the air, which, according to 40 C.F.R. 261.23, verifies the characteristic of a hazardous waste for reactivity (D003).

Drums and containers were noted to be in a deteriorated condition with waste spilled on the floor in many locations. Analytical results from liquid samples S-4, S-14 and S-17 documented Toxicity Characteristic Leaching Procedure (TCLP) MEK concentrations of 55,400, 62,600 and 687 milligrams per liter (mg/L). All three TCLP MEK concentrations are greater than the TCLP MEK regulatory level of 200.0 mg/L, which, according to 40 C.F.R. 261.24, verifies the characteristic of a hazardous waste for toxicity (D035). Analytical results from liquid sample S-17 documented a TCLP benzene concentration of 2.00 mg/L. The analytical results from this sample indicated a TCLP benzene concentration greater than the TCLP benzene regulatory level of 0.5 mg/L, which, according to 40 C.F.R. 261.24, verifies the characteristic of a hazardous waste for toxicity (D018).

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

In a letter dated April 28, 2011, NFD formally requested assistance from U.S. EPA to determine if the Site meets the criteria for a time-critical removal action. According to the NFD, the buildings contain large quantities of known and unknown chemicals and an undetermined quantity of 1- and 5-gallon containers and unknown substances on the floor in various locations in the buildings. The deteriorating and unsecured condition of the buildings, the condition of the containers and at least one 55-gallon drum's integrity has been compromised and shows signs of leaking. The large quantities of stored flammable chemicals that present the risk of fire and/or explosion coupled with the deteriorated condition of the buildings and containers pose a substantial risk to the public's health and safety.

On April 29, 2011, the NHD declared that the P&D Paint Site is "Unfit for Human Habitation." In addition, the NHD declared the property a "Public Health Nuisance" based on the findings of the site assessment conducted by U.S. EPA. On April 29, 2011, the site owner initiated 24 hour site security. All site visitors must receive approval from NFD and NHD prior to site entry.

On April 29, 2011, U.S. EPA distributed a DRAFT Emergency Contingency Plan to NFD, NHD, NPD and Ohio EPA for review.

On May 3, 2011, U.S. EPA finalized the Emergency Contingency Plan. A copy of the finalized Emergency Contingency Plan can be found in the Documents Section of the site website www.epaosc.org/perryandderrick.

On June 17, 2011, the U.S. EPA issued a Unilateral Administrative Order (UAO) to the potentially responsible parties (PRPs). The effective date of the UAO is July 1, 2011.

On July 5, 2011, the U.S. EPA held a meeting with the following PRPs to discuss the removal action:

- 1) Norwood Dreams, LLC
- 2) P&D Paints, LLC
- 3) JETS Realty, LLC
- 4) Mark Derrick
- 5) Wintech Products, Inc.

The PRPs indicated that they would participate in a limited removal action. The following removal work for each PRP was agreed to, as follows:

- 1) Norwood Dreams, LLC will submit a work plan for Site Security
- 2) P&D Paints, LLC; JETS Realty, LLC; and Mark Derrick (Derrick-Related Entities) will submit a work plan to remove waste in Buildings F, G and H
- 3) Wintech Products, Inc. (Wintech) will submit a work plan to remove waste in Building K

On July 7, 2011, Wintech submitted a formal letter to U.S. EPA indicating that it would comply with U.S. EPA's UAO, by submitting a work plan to clean out Building K. Wintech Products, Inc., to submit a work plan for U.S. EPA to review.

On July 7, 2011, Derrick-Related Entities submitted a formal letter to U.S. EPA indicated that it would comply with U.S. EPA's UAO, by submitting a work plan to clean out Buildings F, G and H.

On July 8, 2011, Norwood Dreams, LLC, submitted a formal letter to U.S. EPA indicating that it would comply with the UAO by continuing to provide site security. Norwood Dreams, LLC, to submit a work plan for U.S. EPA to review.

On July 15, 2011, the U.S. EPA approved the Site Security work plan from Norwood Dreams, LLC.

On July 21, 2011, the U.S. EPA approved the work plan to conduct removal in Buildings F, G and H from Derrick-Related Entities. Work in those three buildings is set to begin the week of July 25, 2011.

On August 1, 2011, the U.S. EPA approved a time extension until August 12, 2011, for Wintech to submit its work plan to clean out Building K.

On August 12, 2011, Wintech submitted a Draft work plan for review to U.S. EPA to clean out Building K.

On August 17, 2011, the U.S. EPA submitted a conditional approval letter to Wintech for the work plan to clean out Building K. A revised work plan is due on August 29, 2011.

On August 25, 2011, Wintech submitted a request to approve Environmental Enterprises, Inc. (EEI), as its removal contractor.

On August 26, 2011, U.S. EPA approved EEI as the environmental contractor for Wintech.

2.1.2 Response Actions to Date

Derrick-Related Entities Progress Update - as of August 8, 2011

- 1) Have sold or arranged for the sale/donation of approximately 340 gallons of paint product.
- 2) Have moved majority of the paint inventory into Building G
- 3) Brought shaker, tools, pallet jacks, etc to the site in preparation for the sale of paint product
- 4) Continued the cleaning of Buildings F, G and H
- 5) Arranging for other non-paint inventory to be sold, recycled or properly disposed
- 6) Hired an environmental disposal company, Clean Harbors, to remove and properly dispose off-site any remaining paint waste. Date of disposal yet to be determined.

Norwood Dreams Progress Update - as of August 12, 2011

- 1) The boarding of windows identified during the U.S. EPA site visit is 75% completed.
- 2) The doors that needed to be screwed shut is completed.
- 3) Fencing is to be installed by Saturday, August 13, 2011
- 4) "No Trespassing" signs to be installed by Saturday, August 13, 2011
- 5) The empty rolloff box has been removed
- 6) The clearing of brush and weeds along the fenceline is 75% completed.
- 7) The on-site security guard reports that there have been no incidents of trespassing this week.

Norwood Dreams Progress Update - as of August 19, 2011

- 1) The boarding of the windows identified during the U.S. EPA site visit is completed.
- 2) The door that needed to be screwed shut is completed.
- 3) The fencing that needed to be installed is completed.
- 4) "No Trespassing" signs to be installed by Saturday, August 20, 2011.
- 5) Brush and weeds have been cut and will be chipped-up and hauled away the week of August 22, 2011.
- 6) The on-site security guard reports that there have been no incidents of trespassing this week.

On August 24, 2011, Derrick-related entities continued to conduct cleanup activities in Buildings F, G and H. A rolloff box is being filled with non-hazardous debris; metal is being recycled; empty paint boxes and cardboard is scheduled to be recycled; old printers and computer monitors were placed on a pallet and will be recycled; and Clean Harbors will be on site later in the week to pick up and dispose any remaining paint-related waste products.

On August 25 and 26, 2011, Norwood Dreams landscape contractor continued to use a wood chipper to chip brush and weeds along perimeter of the property.

On August 26, 2011, Derrick-related entities completed cleaning out Buildings F, G and H. A total of two pallets and 3 1-cubic yard boxes containing containers of "paint-related" waste (flammable paint, water-based paint, thinners, stains, aerosol cans, etc) have been staged at the side bay doors in Building G for Clean Harbors to pick up at a later date.

2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

The following PRPs are doing work at the Perry & Derrick Paint Site:

- 1) Norwood Dreams, LLC
- 2) P&D Paints, LLC
- 3) JETS Realty, LLC
- 4) Mark Derrick
- 5) Wintech Products, Inc.

2.1.4 Progress Metrics

| Waste Stream | Medium | Quantity | Manifest # | Treatment | Disposal |
|---------------------|---------------|-----------------|-------------------|------------------|-----------------|
| | | | | | |
| | | | | | |
| | | | | | |

2.2 Planning Section

2.2.1 Anticipated Activities

The PRP Removal action covers Buildings F, G, H, and K, and site security. An EPA funded removal action was initiated on August 24, 2011 and will cover the remaining site Buildings.

Removal activities on Site will include:

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. Secure Site with fence repair, boarding and/or locking windows and doors.
4. Inventory, sample, and perform hazard characterization, in compliance with a Site-specific QA/QC Plan, on all substances contained in drums, containers, totes and tanks;
5. Consolidate and package all hazardous substances, pollutants and contaminants for transportation and off-site disposal;
6. Consolidate and package all non-hazardous paint products for transportation and off-site disposal or recycling;
7. Remove tanks associated with the process area, as necessary; and
8. Transport and dispose of all characterized or identified hazardous substances, pollutants, wastes, or contaminants at a RCRA/CERCLA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 C.F.R. § 300.440).

2.2.1.1 Planned Response Activities

See above.

2.2.1.2 Next Steps

- 1) Derrick-related entities will mobilize Clean Harbors to package and dispose of remaining containers of paint-related waste in Buildings F, G and H.
- 2) Wintech to submit a revised Work Plan by August 26, 2011, and begin removal in Building K.
- 3) Continued site security.

2.2.2 Issues

- 1) There is 24-hour site security on site.
- 2) There are "No Trespassing" signs on the fence.
- 3) There have been no reports of illegal trespassing on the property.

2.3 Logistics Section

Norwood Police Dept assisting in clearing parked cars from the site gate adjacent to Linden Ave.

2.4 Finance Section

No information available at this time.

2.5 Other Command Staff

2.5.1 Safety Officer

All work being conducted on site is being performed under a health and safety plan approved by U.S. EPA.

2.6 Liaison Officer

Not applicable.

2.7 Information Officer

2.7.1 Public Information Officer

Not applicable.

2.7.2 Community Involvement Coordinator

Not applicable.

3. Participating Entities

3.1 Unified Command

3.2 Cooperating Agencies

Norwood Health Department
Norwood Fire Department
Norwood Police Department
Ohio EPA

4. Personnel On Site

U.S. EPA
WESTON START
PRPs and contractors

5. Definition of Terms

No information available at this time.

6. Additional sources of information

6.1 Internet location of additional information/report

Additional sources of information can be obtained in the Documents Section of the site website, as well as pictures and all pollution reports.

6.2 Reporting Schedule

The next POLREP will be issued in September, 2011.

7. Situational Reference Materials

Not applicable.