

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
Emge Meat Packing Plant Removal - Removal Polrep
Initial Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region V

Subject: POLREP #1
Initial POLREP
Emge Meat Packing Plant Removal
B5XS
Fort Branch, IN
Latitude: 38.2438704 Longitude: -87.5829702

To: Kevin Turner, Superfund - Emergency Response Branch
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Richard Karl, Region 5
Jason El-Zein, Region 5
Mark Durno, Region 5
Marc Colvin, Region 5
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Gerald Bledsoe, Gibson County, IN
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Tom Wallace, Fort Branch, IN

From: Kevin Turner, OSC

Date: 9/1/2011

Reporting Period: 8/22/2011 - 9/1/2011

1. Introduction

1.1 Background

Site Number:	B5XS	Contract Number:	
D.O. Number:		Action Memo Date:	
Response Authority:	CERCLA	Response Type:	Time-Critical
Response Lead:	EPA	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	8/22/2011	Start Date:	8/22/2011
Demob Date:		Completion Date:	
CERCLIS ID:		RCRIS ID:	
ERNS No.:		State Notification:	
FPN#:		Reimbursable Account #:	

1.1.1 Incident Category

Time Critical Removal Action – Asbestos Fibers Released

1.1.2 Site Description

The site is former large scale fresh-meat slaughter and packing house operation sitting on 37.9 acres which operated from 1897 to 1997. The facility includes the remains of a 1,000,000 square foot meat packing plant building, cooling tower, livestock pens, coal silo, and guard house. The current owner of the Site is Congress Oil LLC.

In June 2010, Congress Oil had begun demolition activity, including scrapping metal, at the former Emge plant building. Scrapping involved the use of metal-cutting torches. At 3 am on June 19, 2010, the Fort Branch Fire Department responded to a fire in the Emge plant building. With the assistance of the U.S.

EPA and because of difficulty in extinguishing the fire in the cork insulation found at the plant, the Fire Department was unable to completely extinguish the fire until June 26, 2010. The fire was later attributed to the scrapping activity in the plant building. In the aftermath of the fire, large piles of rubble and debris contaminated with asbestos were left on the Site. On June 27, 2010, a cloud of anhydrous ammonia was released from one of the cooling lines in the building. In the summer of 2010, scrapping and demolition activity resumed, creating additional asbestos containing material (ACM) in rubble and debris.

1.1.2.1 Location

The former Emge Meat Packing Company Site is located at 7605 West Red Bank Road in Fort Branch, Gibson County, Indiana, 47648. Site coordinates are Latitude 38.2432600 North and Longitude -87.5817900 West. The Site is located in a mixed use area, including agricultural, industrial, commercial, and residential areas. To the north are residences and agricultural fields. To the east is a residential area. Agricultural areas bound the Site to the south and west. Highway 41 is approximately one-half mile east of the Site. Approximately 2,300 people live in the town of Fort Branch. The nearest residences are located approximately 150 yards from the remains of the Emge plant building.

1.1.2.2 Description of Threat

The threat is due to the presence of friable asbestos in rubble and debris created by the fire and by scrapping activities and left open to the elements, such that it could be blown or tracked offsite. Continued deterioration of the building together with scrapping activities is likely to produce additional friable asbestos from exposed pipe insulation and transite. Friable asbestos is a listed hazardous substance under 40 C.F.R. § 302.4. Airborne friable asbestos is an inhalation hazard and is known to cause fibrotic scarring of lung tissue, potentially leading to asbestosis, mesothelioma, and lung cancer. Potential exposure to friable asbestos exists for nearby residents, some of whom live directly across the street from the Site.

In addition, anhydrous ammonia is present in portions of the plant. Ammonia was released during the fire and there is a potential for additional releases, potentially resulting in exposures to neighboring residential properties. Also observed throughout most of the rooms under roof at the Site are mercury containing temperature control switches, thermometers, fluorescent light bulbs, mercury vapors light fixtures and lamps. A substantial number of PCB containing light ballasts are found in just about every room on 4 floors.

It is important to point out that there are many outbuildings and/or adjacent structures that were not damaged by the fire and are currently utilized by others in leasing arrangements with Congress Oil. Please note that no clean-up is anticipated in these areas.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

As noted above, piles of asbestos containing rubble were left on the Site after the fire. Mr. Andy Stinchfield, Indiana Department of Environmental Management (IDEM) On-Scene Coordinator at the time of the fire, informed the current facility owner that the debris was considered contaminated and that it was the owners' responsibility to secure the contaminated debris until it could be handled properly by trained and licensed personnel. On August 3, 2010, IDEM conducted an inspection at the Site, noting exposed asbestos pipe wrap and transite on the sides of the building and crushed transite on the ground. IDEM estimated the quantity of debris that had accumulated at the Site to be 30,000 cubic feet. Following the inspection, IDEM sent the current owner an Inspection Summary/Violation Letter, noting that a building at the Site had been demolished without a notification to IDEM, in violation of 326 IAC 14-3. The letter informed the current owner that much of the debris from demolition at the Site is considered asbestos contaminated and must be handled as asbestos debris until proven otherwise.

In a letter dated October 10, 2010, the Gibson County Commissioners requested U.S. EPA "assistance in cleaning up the property and samples be taken of the migrating materials" associated with the Site.

On January 5, 2011, the U.S. EPA OSC met with representatives from IDEM to conduct a Site walkthrough to assess Site conditions and gather general information. The walkthrough confirmed facility conditions documented by previous inspections.

On February 9, 2011, IDEM performed an asbestos inspection at the Site. IDEM sampled debris from the fire as well as suspected ACM in the remaining building structure. The analytical results showed that much of the rubble and debris from the plant building contains friable asbestos. In a letter dated February 8, 2011, the Fort Branch Town Council asked for U.S. EPA's help and advice in dealing with the asbestos both in the remaining structure and in the debris at the Site. As of May 2011, eleven months after the fire, there were still piles of rubble and debris contaminated with asbestos at the Site. Rubble and debris from the fire and demolition activity was not enclosed in a structure, but was open to the elements, including wind and rain.

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

In June 2010, Congress Oil had begun demolition activity, including scrapping metal, at the Emge plant building involving the use of metal-cutting torches. At 3 am on June 19, 2010, the Fort Branch Fire Department responded to a fire in the Emge plant building. Because of difficulty in extinguishing the fire in the cork wall insulation found at the plant, the Fire Department was unable to completely extinguish the fire until June 26, 2010. The fire was later attributed to the scrapping activity in the plant building. In the aftermath of the fire, large piles of rubble and debris contaminated with asbestos were left on the Site.

U.S. EPA's first response action responded to the release or threat of a release of hazardous substances,

posing an imminent and substantial endangerment to human health and the environment, stemming from a fire in Emge Meat Packing facility. The fire produced particulate levels far in excess of standards set by ATSDR, threatening a nearby residential area. There was also concern that the fire might release friable asbestos contained in insulation and transite wall board. The action required was demolition of cork-insulated wall structures so that the fire could be put out. The owner of the facility, Congress Oil, LLC, was given the opportunity to undertake that work by hiring a demolition contractor, but refused.

On June 20, 2010, OSC Shelly Lam contacted the president of Congress Oil, LLC, Mr. David Mounts, on June 20, 2010. Mr. Mounts arrived at the Emge facility. OSC Lam read him a general notice of liability and gave him a copy. The notice gave Congress Oil, LLC, an opportunity to do the work. Mr. Mounts went as far as contacting a contractor and getting an estimate of the demolition costs, but ultimately declined to do the work.

On June 21, 2010, at a meeting at the Fort Branch Fire Department, Mr. Mounts wrote out a statement in which he declined to commit to paying the cost of demolition but agreed that demolition was necessary to put out the fire and that access was given to the Fire Department to do that.

On June 27, 2010, a cloud of anhydrous ammonia was released from one of the cooling lines in the building. In the summer of 2010, scrapping and demolition activity resumed, creating additional friable ACM in rubble and debris ultimately creating asbestos fibers to be released.

As noted above, piles of asbestos containing rubble were left on the Site after the fire. Mr. Andy Stinchfield, IDEM's On-Scene Coordinator at the time of the fire, informed the current facility owner that much of the debris was considered contaminated and that it was the owners' responsibility to secure the contaminated debris until it could be handled properly by trained and licensed asbestos personnel. The IDEM OSC told the owner that all untrained and unlicensed personnel should be kept out of the debris.

On August 3, 2010, IDEM conducted an asbestos inspection at the Site, noting exposed asbestos pipe wrap and transite' on the sides of the building and crushed transite on the ground. IDEM estimated the quantity of debris that had accumulated at the Site. Following the inspection, IDEM sent the current owner an Inspection Summary/Violation Letter, noting that a building at the Site had been demolished without a notification to IDEM, in violation of 326 IAC 14-10-3.

In a letter dated October 10, 2010, the Gibson County Commissioners requested U.S. EPA "assistance in cleaning up the property and samples be taken of the migrating materials" associated with the Site.

On January 5, 2011, the U.S. EPA OSC Kevin Turner met with representatives from IDEM to conduct a Site walkthrough to assess Site conditions and gather general information. The walkthrough confirmed facility conditions documented by previous inspections.

In a letter dated February 8, 2011, the Fort Branch Town Council asked for U.S. EPA's help and advice in dealing with the asbestos both in the remaining structure and in the debris at the Site.

On February 9, 2011, IDEM performed an asbestos inspection including four ACM samples collected at the Site. IDEM sampled debris from the fire as well as suspected ACM in the remaining building structure. The analytical results showed that rubble and debris from the plant building contains friable asbestos.

U.S. EPA sent Congress Oil, care of Mr. Mounts, a General Notice of Potential Liability for the additional removal work to be performed on February 17, 2011. The Notice was received by Mr. Mounts on February 24, 2011. This General Notice letter identified Congress Oil, LLC as a Potentially Responsible Party and inquired as to its willingness to perform the work describe therein.

In a March 18, 2011 response to the General Notice, Congress Oil presented what it called a good faith offer "to negotiate a resolution of its potential responsibility." It asked for U.S. EPA estimates of the cost of the work to be performed and the deadlines for completion, and it indicated its interest in exploring performing or financing the work required. On April 14, 2011, U.S. EPA sent Ms. Cheryl Gonzalez, attorney for Congress Oil, a draft Administrative Order on Consent, providing for Congress Oil to conduct the removal work required. U.S. EPA informed Ms. Gonzalez that U.S. EPA believed that work needed to be underway by the end of May, leaving very little time for negotiation. U.S. EPA asked Ms. Gonzalez to consult with her client and inform U.S. EPA whether or not it would be possible to reach an agreement, given the short timeframe. On April 29, 2011, Ms. Gonzalez informed U.S. EPA that Mr. Mounts found the AOC to be "unfair" and that he preferred to undertake work on a voluntary basis. Given that piles of debris and rubble remain at the Site some eleven months after the fire and that Mr. Mounts has had scrappers working at the Site in violation of Indiana asbestos regulations, U.S. EPA has no confidence that Congress Oil and Mr. Mounts will voluntarily do all the work necessary to protect human health and the environment. Consequently, U.S. EPA issued a Unilateral Order (UAO) to Congress Oil and Mr. Mounts to do the work required under U.S. EPA oversight. Congress Oil and Mr. Mounts refused to comply with the UAO.

2.1.2 Response Actions to Date

On August 22, 2011, US EPA began to mobilize ERRS and START contractors to the site to begin asbestos clean-up activities.

Site ingress/egress controls have been established to eliminate vehicular traffic into the EPA work zone. Alternative site access has been established for small businesses who utilize the variety of out buildings located on the facility property.

Mobile field office and asbestos decontamination trailers have been established on-site.

Arrangements have been made with the Fort Branch Water Department to provide a high water volume supply of fire water for ACM debris pile wetting purposes.

Asbestos pipe-wrap and ACM containing pipe-joint/elbow removal activities were initiated on 8/29/2011.

Air monitoring using Data Rams (2) and low volume asbestos sampling pumps (8) have been used for perimeter and personnel protective monitoring.

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

USEPA will pursue enforcement actions for cost recovery purposes.

2.1.4 Progress Metrics

Waste Stream	Medium	Quantity	Manifest #	Treatment	Disposal
Asbestos Containing Materials - Pipe-wrap		None at this time	NA	NA	NA
Asbestos Containing Materials - Debris with ACM		None at this time	NA	NA	NA
Mercury - Switches and Thermometers		None at this time	NA	NA	NA
Mercury - Light Bulbs and Hg Vapor Lamps		None at this time	NA	NA	NA
PCB Containing Light Ballast		None at this time	NA	NA	NA

2.2 Planning Section

2.2.1 Anticipated Activities

1) Site Security – Existing fence and gate repair occurred during mobilization and will be utilized in order to ensure the Site is secured. Ingress/Egress control is now maintained by U.S. EPA in the active asbestos areas. Site traffic barriers have been established in order to control the access of local business members who lease outbuildings located on the former meat packing facility property.

2) Identification of Hazardous Materials – Locate and remove the necessary ACM, mercury containing electrical items and PCB containing light ballast.

3) Sort/Separate Scrap Steel and General Building Debris Covering ACM – ACM impacted debris piles will be wetted with water from on-site fire hydrant water supply during heavy equipment loading operations. Reclaimed scrap steel will be adequately cleaned prior to loading for off-site steel recycling.

4) Removal of Hazardous Materials – ACM and ACM impacted debris, mercury and/or PCB containing electrical items will be containerized prior to transport to the appropriate TSDF.

2.2.1.1 Planned Response Activities

Increase ERRS crew size to address ACM as necessary.

Prepare to ship ACM impacted debris to a local Subtitle Class "D" Landfill.

2.2.1.2 Next Steps

2.2.2 Issues

No issues at this time.

2.3 Logistics Section

No information available at this time.

2.4 Finance Section

No information available at this time.

2.5 Other Command Staff

2.5.1 Safety Officer

Safety Meetings are held every morning and before the beginning a new work assignment.

2.6 Liaison Officer

2.7 Information Officer

2.7.1 Public Information Officer

2.7.2 Community Involvement Coordinator

3. Participating Entities

3.1 Unified Command

US EPA is directing all work in the response as of 8/22/2011.

3.2 Cooperating Agencies

Indiana Department of Environmental Management is on Scene assisting as requested.

4. Personnel On Site

US EPA -- 1
START -- 1
ERRS -- 5

5. Definition of Terms

ACM	Asbestos Containing Materials
ERRS	Emergency & Rapid Response Services
IDEM	Indiana Department of Environmental Management
START	Superfund Technical Assessment and Response Team

6. Additional sources of information

No information available at this time.

7. Situational Reference Materials

No information available at this time.