

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region V

**Subject:** **POLREP #2**  
**Final POLREP (PRP Removal)**  
**Perry & Derrick Paint Site - PRP Removal**  
**C539**  
**Norwood, OH**  
**Latitude: 39.1667322 Longitude: -84.4426836**

**To:**  
**From:** Steven Renninger, On-Scene Coordinator  
**Date:** 12/28/2011  
**Reporting Period:** August 26 through December 22, 2011

**1. Introduction**

**1.1 Background**

<b>Site Number:</b>	C539	<b>Contract Number:</b>	
<b>D.O. Number:</b>		<b>Action Memo Date:</b>	5/24/2011
<b>Response Authority:</b>	CERCLA	<b>Response Type:</b>	PRP Oversight
<b>Response Lead:</b>	EPA	<b>Incident Category:</b>	Removal Action
<b>NPL Status:</b>	Non NPL	<b>Operable Unit:</b>	
<b>Mobilization Date:</b>	7/15/2011	<b>Start Date:</b>	7/15/2011
<b>Demob Date:</b>	12/28/2011	<b>Completion Date:</b>	12/28/2011
<b>CERCLIS ID:</b>		<b>RCRIS ID:</b>	
<b>ERNS No.:</b>		<b>State Notification:</b>	Ohio EPA
<b>FPN#:</b>		<b>Reimbursable Account #:</b>	

**1.1.1 Incident Category**

PRP Removal

**1.1.2 Site Description**

This final POLREP covers activities conducted by PRPs during the simultaneous EPA funded removal action at the Perry & Derrick Site in Norwood, OH.

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.epaossc.org/perryandderrick](http://www.epaossc.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 (Norwood Dreams)
- 2) P&D Paints, LLC
- 3) JETS Realty, LLC
- 4) Mark Derrick
- 5) Wintech Products, Inc. (Wintech)

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 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 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.

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 submitted a formal letter to U.S. EPA indicating that it would comply with the UAO by continuing to provide site security. Norwood Dreams will 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.

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 was 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 was due on August 29, 2011.

On August 24, 2011, U.S. EPA initiated a simultaneous time-critical removal action at the site. U.S. EPA's time-critical removal action will include removal activities in Buildings A, B, C, D, E, I, J, L and M.

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

From August 26 through December 22, 2011:

##### Derrick-Related Entities

On August 26, 2011, Derrick-Related Entities completed removal activities in Buildings F, G and H. A total of two pallets and 3 one-cubic yard boxes containing small containers of "paint-related" waste (flammable paint, water-based paint, thinners, stains, aerosol cans, etc) were transported by Clean Harbors, Cincinnati, Ohio, for off-site disposal.

On August 27, 2011, one 30-cubic yard rolloff box containing nonhazardous debris was shipped for off-site disposal to Rumpke Landfill, Cincinnati, Ohio.

On October 24, 2011, Derrick-Related Entities submitted the final report to U.S. EPA documenting the removal activities in Buildings F, G and H.

Derrick-Related Entities summarized the following waste was removed from Buildings F, G and H:

- Paints and related products were sold or donated for beneficial reuse, including 824 aerosol cans of paint and 848 gallons of paint and related product.
- The remaining paint and related inventory was packaged in two pallets and 3 one-cubic-yard boxes for disposal by Clean Harbors, Cincinnati, Ohio.
- Derrick-Related Entities coordinated removal of the remaining materials from Buildings F, G and H, including segregation of scrap metals (1,480 pounds) sold for recycle, computer monitors and equipment (31 items) donated for recycle/reuse, polyethylene tote containers (7 each) for recycle/reuse, paper and paint can labels ( skids) for recycling, and solid waste (2 dumpsters and 1 rolloff box) for off-site disposal.

##### Norwood Dreams

Continued 24-hour site security throughout the duration of the project (July-December 2011). Norwood agencies will require 24-hour site security to continue at the site even after U.S. EPA completed its time-critical removal action.

Completed chipping brush which was removed on site perimeter.

Completed perimeter fence repair on several occasions following trespassers entering the site.

##### Wintech Products

As of September 8, 2011, Wintech did not submit a revised work plan (for removal activities in Building K) following U.S. EPA's August 17, 2011 conditional approval letter. The revised work plan was due on August 29, 2011.

On September 8, 2011, U.S. EPA removed Wintech from the approved list authorizing access to the site. Wintech stated that it could not comply and provide/fund the necessary resources to clean out Building K. Starting on September 8, 2011, U.S. EPA completed removal activities in Building K during the simultaneous time-critical removal action at the site. On December 22, 2011, U.S. EPA completed cleaning out Building K.

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

The following PRPs completed removal activities at the Perry & Derrick Paint Site - PRP removal action:

- 1) Norwood Dreams -- Provided site security during the PRP and EPA-funded time-critical removal action. Norwood Dreams will continue to provide 24-hour site security at the site.
- 2) Derrick-Related Entities (P&D Paints, LLC, JETS Realty, LLC and Mark Derrick) - completed removal activities in Buildings F, G and H.

#### 2.1.4 Progress Metrics

<b>Waste Stream</b>	<b>Medium</b>	<b>Quantity</b>	<b>Manifest #</b>	<b>Treatment</b>	<b>Disposal</b>

Paint-Related Waste	Liquid and Solid	2 pallets and 3 cubic yard boxes	004716789FLE	Fuels Blending	Clean Harbors Cincinnati, OH
Scrap Metal	Solid	1,480 pounds	Not applicable	Recycling	King Recycling Norwood, OH
Computer monitors and equipment	Solid	31 total items	Not applicable	Recycling	Cincinnati Habitat for Humanity Cincinnati, OH
Empty poly totes	Solid	7 each	Not applicable	Recycling	Hydroforce, Inc. Cincinnati, OH
Labels and Paper	Solid	10 skids	Not applicable	Recycling	Hanna Paper Recycling Cincinnati, OH
Non-hazardous waste	Solid	2 dumpsters	Not applicable	Landfill	Whitton Container Services Cincinnati, OH
Non-hazardous waste	Solid	30-yd3 rolloff box	Not applicable	Landfill	Rumpke Landfill Cincinnati, OH

R5 Priorities Summary		
This is an Integrated River Assessment. The numbers should overlap.	Miles of river systems cleaned and/or restored	N/A
	Cubic yards of contaminated sediments removed and/or capped	N/A
	Gallons of oil/water recovered	N/A
	Acres of soil/sediment cleaned up in floodplains and riverbanks	N/A
Stand Alone Assessment	Acres Protected	5
	Number of contaminated residential yards cleaned up	N/A
	Human Health Exposures Avoided	1,500
	Number of workers on site	4

## 2.2 Planning Section

### 2.2.1 Anticipated Activities

There are no additional removal activities at the site which will be funded by the PRPs, except for on-going 24-hour site security (required by Norwood agencies).

#### 2.2.1.1 Planned Response Activities

See above.

#### 2.2.1.2 Next Steps

1) Norwood Dreams will continue funding 24-hr site security at the site.

### 2.2.2 Issues

- 1) As of December 28, 2011, there is 24-hour site security on site.
- 2) There are "No Trespassing" signs on the perimeter fence.

### **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**

This is the Final POLREP.

## **7. Situational Reference Materials**

Not applicable.