

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
Frankfort Asbestos Site-RV2 - Removal Polrep
Initial Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region II

Subject: **POLREP #1**
Frankfort Asbestos Site-RV2
02ZG
Frankfort, NY
Latitude: 43.0508400 Longitude: -75.0851710

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From: Irmgard Lopez, OSC
Date: 1/7/2014
Reporting Period: 11/11/13-11/21/13

1. Introduction

1.1 Background

Site Number:	02ZG	Contract Number:	EP-W-06-72
D.O. Number:	043	Action Memo Date:	9/29/2011
Response Authority:	CERCLA	Response Type:	Time-Critical
Response Lead:	EPA	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	11/11/2013	Start Date:	11/11/2013
Demob Date:		Completion Date:	
CERCLIS ID:	NYN000206203	RCRIS ID:	
ERNS No.:		State Notification:	
FPN#:		Reimbursable Account #:	

1.1.1 Incident Category

Illegal dumping of pulverized asbestos-containing building debris ("Building Debris").

1.1.2 Site Description

The Site consists of a 1.75-acre parcel of land adjacent to the Mohawk River and situated in the western portion of the Town of Frankfort, New York. The 1.75-acre parcel is part of a 192-acre tract of land formerly used for dairy farm operations. Currently, portions of the property that were not filled in with Building Debris are utilized for farming on the east side. One barn-like structure remains on the property and is utilized for the temporary staging of cattle prior to slaughter, and an automotive shop. The closest residence is located across the street, approximately 200 yards to the south, with additional residential properties within one-half mile to the south and east of the 1.75-acre area where disposal took place.

Based upon volume calculations, approximately 15,000 cubic yards of Building Debris is present on-site.

1.1.2.1 Location

The Frankfort Asbestos Site is located at 3720 Southside Road in Frankfort, Herkimer County, NY.

1.1.2.2 Description of Threat

Building Debris containing friable asbestos exceeding 1% was illegally disposed of on the property located at 3720 Southside Road, Frankfort, NY. The asbestos containing material (ACM) presents a potential public health threat. Asbestos fibers can be released into the air during activities that disturb asbestos-containing materials. If disturbed, the asbestos fibers can then be inhaled and trapped in the lungs. If swallowed, they can become embedded into the digestive tract as well. Asbestos is a known human carcinogen and can cause chronic lung disease as well as lung and other cancers. Symptoms and/or cancer may take many years to develop following exposure.

Sampling of the Building Debris also identified elevated levels of lead ranging between 270 to 7,700 milligrams per kilogram (mg/kg). Contact with this lead contaminated material may present a health risk to neighboring residents, particularly young children.

The effects of exposure to lead are the same whether it enters the body through breathing or swallowing. The main target for lead toxicity is the nervous system, both in adults and children. Long-term exposure of adults to lead has resulted in decreased performance in some tests that measure functions of the nervous system. Lead exposure may also cause weakness in fingers, wrists, or ankles. Lead exposure also causes small increases in blood pressure, particularly in middle-aged and older people, and may also cause anemia.

Lead is a cumulative poison where increasing amounts can build up in the body eventually reaching a point where symptoms and disability occur. Particularly sensitive populations are women of child-bearing age, due to the fetal transfer of lead, and children. Cognitive deficits are associated with fetal and childhood exposure to lead. An increase in blood pressure is the most sensitive adverse health effect from lead exposure in adults. Effects on the kidney, nervous system and heme-forming elements are associated with increasing blood lead concentrations, both in children and adults. Other symptoms include: decreased physical fitness, fatigue, sleep disturbance, aching bones, abdominal pains, and decreased appetite.

The Department of Health and Human Services (DHHS) has determined that lead and lead compounds are reasonably anticipated to be human carcinogens based on limited evidence from studies in humans and sufficient evidence from animal studies, and the EPA has determined that lead is a probable human carcinogen.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

On November 14, 2006, EPA's Criminal Investigation Division (CID), National Enforcement Investigation Center (NEIC), and New York State Department of Environmental Conservation (NYSDEC) representatives conducted an investigation of the Site. The investigation team collected samples at that time of the Building Debris for asbestos analysis. Samples collected were observed to contain broken floor tiles, transite, corrugated cement sheeting, shingles, dirt and wood debris. All samples (sixteen) were analyzed by the NEIC laboratory in Denver CO. Based upon the analytical results, nine of the samples were found to contain asbestos in amounts greater than 1%, and up to 21%.

In August 2007, Weston Solutions Inc., Removal Support Team 2 (RST 2) conducted a Removal Assessment at the Site to further expand on the investigation conducted by EPA's CID, NEIC and NYSDEC in November 2006. RST 2 was tasked with determining the concentrations of asbestos, lead and target compound list (TCL) semivolatile organic compounds (SVOCs) possibly present within the Building Debris, surface soil surrounding the debris piles, surface soils located both on and off-site (string bean field and residential property), and surface soils in the flood plain of the Mohawk River. A total of 49 samples were collected and submitted for analysis. All 49 samples collected were submitted for lead analysis. Of those, 11 samples contained lead concentrations ranging between 270 mg/kg and 7,700 mg/kg. All other samples analyzed for lead were below 120 mg/kg.

From the 49 samples, 42 were submitted for asbestos analysis for polarized light microscopy (PLM) analysis by California Air Resources Board (CARB) 435. No asbestos was detected in any of the 42 samples. A total of 11 samples were also selected for asbestos analysis via transmission electron microscopy (TEM) analysis. All 11 samples were reported to contain below 0.1% asbestos.

Numerous TCL SVOCs were detected in the Building Debris pile samples collected from the Site as part of the Removal Assessment. The TCL SVOCs that exceeded NYSDEC Technical Administrative Guidance Memorandum (TAGM) 4046 concentrations included dimethylphthalate [up to 3,900 micrograms per kilogram (ug/kg)], benzo(k) fluoranthene (up to 6,900 ug/kg), benzo(a)anthracene (up to 7,600 ug/kg), benzo(a)pyrene (up to 7,600 ug/kg), and dibenzo(a,h)anthracene (up to 1,400 ug/kg)]. The latter three compounds were exceeded in all 11 debris samples. It should be noted that not every TCL SVOC that was detected had a corresponding TAGM 4046 level.

Numerous TCL SVOCs were detected in the soil samples that were collected around the Building Debris piles. TCL SVOCs that exceeded the TAGM 4046 concentrations included benzo(a)anthracene (up to 540 ug/kg), benzo(a) pyrene (up to 570 ug/kg), and dibenzo(a)anthracene (up to 190 ug/kg). Benzo(a)pyrene was exceeded in every soil sample. It should be noted that not every TCL SVOC that was detected had a corresponding TAGM 4046 level.

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

Based upon the environmental evaluations conducted at the property, the overall approach to addressing the contamination identified is the complete removal of the Building Debris.

2.1.2 Response Actions to Date

On September 20, 2007, an Action Memorandum was signed to stabilize the Site and minimize the threats to public health while enforcement negotiations were initiated with responsible parties. In November 2007, EPA completed an interim stabilization action at the Site to prevent migration of asbestos from the disposal area. The stabilization action involved the leveling of debris piles, and covering of the entire area with a synthetic polyethylene liner. To secure the liner, clean fill material was used to cover the area.

On November 11-12, 2013, EPA, EPA's Environmental Rapid Response Services (ERRS) contractor and RST 2 was mobilized to begin Site work. This work included:

- * delivery of excavation equipment, office trailer, decontamination trailer, storage trailer and restroom units;
- * conducting baseline air monitoring for lead and asbestos contaminants;
- * collection of perimeter soil samples to determine if site-related contaminants had migrated;
- * the construction of a 240-foot long temporary stone roadway to accommodate truck traffic during waste loadout;
- * arrange for a potable water supply for decontamination and dust suppression;
- * collection of necessary composite debris samples for disposal purposes, via test pitting;
- * coordinating site activities with State and local counterparts; and
- * submission of applicable New York State Department of Labor (NYSDOL) - Asbestos Control Bureau notifications.

During the week of November 18, 2013, each of the tasks listed above were completed. On November 21, 2013, EPA mailed the Asbestos Project Notification to the NYSDOL with a cover letter regarding the fee waiver obtained on November 6, 2013 by EPA's Office of Regional Counsel. All excavation equipment and personnel were demobilized pending review of the sample results and preparation of disposal facility waste profile documents.

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

A PRP search was conducted which identified numerous PRPs. Information request letters were sent to the property owner, and identified arrangers and transporters. Based on the responses to the information request letters, additional information requests were issued to 13 other arrangers and/or transporters on April 13, 2011. Based on responses to the information Request Letters and information from CID, EPA sent Notice of Potential Liability and Demand for reimbursement of Costs ("Notice and Demand") letters to the PRPs. A Unilateral Administrative Order (UAO) was issued to twelve parties on November 15, 2011. Four parties initially agreed to comply with the UAO, however, following the Department of Justice (DOJ) referral, all parties indicated they were interested in performing the cleanup. One of the parties retained an environmental consultant to prepare work plans, and conducted sampling for disposal. The responsible parties indicated the cost of disposal would influence whether they would comply and agree to conduct the cleanup. A deadline of September 1, 2013 was given to the parties to commence the removal action or EPA would fund the removal action. The parties were unable to meet the deadline, and EPA initiated mobilization activities to begin the work.

2.1.4 Progress Metrics

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

2.2 Planning Section

2.2.1 Anticipated Activities

Following the receipt of disposal sampling results, the waste profile will be completed and the excavation, transportation and disposal (T&D) of Building Debris can be scheduled.

2.2.1.1 Planned Response Activities

The planned response activities associated with the project involve the excavation and T&D of Building Debris.

2.2.1.2 Next Steps

Begin excavation and T&D of Building Debris to an approved disposal facility.

2.2.2 Issues

An unforeseen issue associated with implementation of the project involved the government shutdown which

occurred from October 1 to October 16, 2013. The shutdown, coupled with the time necessary to mobilize contractor personnel and equipment resulted in a delay of approximately 5 weeks.

2.3 Logistics Section

New York State winter weather conditions present several logistical issues. The most significant issue being the freezing of water necessary for dust suppression and personal decontamination.

2.4 Finance Section

2.4.1 Narrative

As of November 18, 2013, response-related ERRS costs were approximately \$35,556.52.

* An Action Memorandum was signed on September 29, 2011 approving a ceiling increase, 12-month exemption, \$2 million exemption and change in scope. The Action Memorandum is for \$5,850,000 of which \$4,830,000 is from the Regional removal advice of allowance for mitigation contracting. This makes the total project ceiling \$5,994,000 of which \$4,945,000 is for mitigation contracting. A total of \$1,361,548.75 was obligated to the ERRS contractor for this Site which is the number being used in the table below.

Estimated Costs *

	Budgeted	Total To Date	Remaining	% Remaining
Extramural Costs				
ERRS - Cleanup Contractor	\$1,361,548.75	\$35,556.52	\$1,325,992.23	97.39%
TAT/START	\$50,000.00	\$20,884.40	\$29,115.60	58.23%
Intramural Costs				
USEPA - Direct	\$131,000.00	\$22,575.00	\$108,425.00	82.77%
Total Site Costs	\$1,542,548.75	\$79,015.92	\$1,463,532.83	94.88%

* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

2.5 Other Command Staff

2.5.1 Safety Officer

2.5.2 Liaison Officer

2.5.3 Information Officer

Larisa Romanowski, EPA PAD

3. Participating Entities

3.1 Unified Command

3.2 Cooperating Agencies

Lou Carrock, NYSDOL

4. Personnel On Site

Dan Harkay, RAB Section Chief RAS
Irmgard Lopez, On-Scene Coordinator
Andy Confortini, On-Scene Coordinator
Lionel Montanez, RST2 Site Project Manager
Mark Bicksler, ERRS Program Manager
Steve Jackson, ERRS Response Manager
Dan Knapp, ERRS FCA
Gary Zappola, ERRS EO/Clean up Tech
Bryant Woods, ERRS Clean up Tech
Kevin Downey, ERRS EO/Clean up Tech

5. Definition of Terms

No Information available at this time.

6. Additional sources of information

6.1 Internet location of additional information/report

<http://epaossc.org/frankfortasbestosRV2>

For information regarding Frankfort Asbestos Removal Action 1 (RV1), go to:

<http://epaossc.org/frankfortasbestos>

6.2 Reporting Schedule

This Pollution Report will be prepared on a weekly schedule.

7. Situational Reference Materials

None at this time.

POLREP #1 Last Updated 1/22/2014