

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
Harper Industries - Removal Polrep
Initial Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region V

Subject: **POLREP #1**
Initial POLREP
Harper Industries

Cleveland, OH
Latitude: 41.4890169 Longitude: -81.6165570

To:
From: James Augustyn, OSC
Date: 10/7/2016
Reporting Period: September 26 - October 6, 2016

1. Introduction

1.1 Background

Site Number:	C5AK	Contract Number:	EPS41602
D.O. Number:	0005	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:	9/26/2016	Start Date:	9/26/2016
Demob Date:		Completion Date:	
CERCLIS ID:	OHN000506130	RCRIS ID:	
ERNS No.:		State Notification:	OEPA Referral
FPN#:		Reimbursable Account #:	

1.1.1 Incident Category

Time Critical Removal Action

1.1.2 Site Description

The Site was historically used as a manufacturing and office building. Five out of six buildings were demolished by the property owner to salvage scrap metal. Asbestos was not properly abated from the five buildings prior to demolition and it is present in the remaining demolition debris at the Site. The property is vacant and open to trespass.

The Site is located in a mixed commercial and residential area and is bordered to the north and west by railroad tracks and a commercial property; to the east by a vacant lot and Woodhill Road; and to the south by Woodland Avenue and residential properties. A single 5-story building remains on the Site which is surrounded on 2 sides by asbestos-containing demolition debris piles.

The Site is abandoned and the owner provides no physical presence on the property. The fencing around the Site is breached at numerous locations, thus allowing for easy access by trespassers.

Property ownership has reverted to the State of Ohio due to failure of the owner to pay property taxes. The Cuyahoga County Fiscal Officer, as Agent for the State of Ohio, per O.R.C. 5721.09 has granted written access to EPA to conduct removal actions on the Site.

1.1.2.1 Location

10101 Woodland Avenue, Cleveland, Cuyahoga County, Ohio 44104

1.1.2.2 Description of Threat

The main concern is that the ACM is friable or potentially friable and asbestos fibers are being released into the air and possibly migrating off site. Friable asbestos is a listed hazardous substance in 40 C.F.R. Part 302, Table 302.4. Another concern is that trespassers on the Site (as evidenced by graffiti) will come into contact with the ACM, disturb the materials, and cause releases into the air. Trespassers could illegally remove scrap steel contaminated with asbestos fibers to sell to scrap dealers in the area.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

The City of Cleveland, Department of Building and Housing, condemned the buildings in 2009.

In November 2009, Harper Industries Inc. (Harper), the owner of the property, hired an environmental consulting firm to conduct an asbestos survey of all buildings on the property. The survey documented all areas on the property that contained regulated asbestos-containing material (RACM).

On December 9, 2009, Harper submitted notification of demolition to the Cleveland Division of Air Quality (CDAQ). The notification specified RACM removal by a licensed asbestos abatement contractor occurred at the property. On January 27, 2010, CDAQ inspected the property and determined that Harper demolished five of the buildings without properly removing all RACM from the buildings prior to demolition and that some RACM had been abated without employing proper emission controls.

On February 3, 2010, CDAQ submitted for analysis a total of 5 samples of various suspect asbestos containing materials (ACM) collected from debris piles. Of the samples, 3 out of the 5 contained 3 to 20 percent chrysotile asbestos.

On March 12, 2010, June 24, 2010, and March 15, 2011, CDAQ issued notice of violation (NOV) letters to Harper. The NOVs cited Harper for failing to remove friable asbestos-containing materials prior to demolition of buildings, failing to adequately wet RACM during removal operations, and for failing to keep the asbestos-containing materials wet at all times during and after demolition.

From March 2010 through April 2011, CDAQ attempted to compel Harper to take corrective actions at the Site. CDAQ personnel conducted numerous Site visits over this time period and observed additional violations by Harper.

On May 5, 2014, Ohio EPA issued Director's Unilateral Final Findings and Orders (Order) requiring Harper to secure the property, remove the regulated asbestos-containing debris from the property and dispose of it at a properly licensed landfill. Harper failed to comply with the Order. Ohio EPA referred the case to Ohio Attorney General's Office on December 30, 2014. A default Judgment against Harper was entered on August 17, 2015.

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

The Ohio EPA requested assistance from the EPA to conduct a removal action at the Site to properly dispose of asbestos contaminated building debris from an improper abatement and demolition of site buildings. The owner abandoned the property and the property has reverted to the State of Ohio due to delinquent tax payments. No other entity could perform the cleanup and the presence of the ACM-contaminated debris on site is a hindrance to resale and redevelopment of this blighted property.

2.1.2 Response Actions to Date

Monday, September 26, 2016, ERRS mobilized to site. Fencing contractor onsite to begin repair of breaches to the perimeter fence. START and OSC Kocher conducted site walk and preliminary radiation survey of the Site. The survey resulted in 5-6 micro roentgen per hour ($\mu\text{R/hr}$) as a background reading and 11 $\mu\text{R/hr}$ on the first floor area of the onsite building. ERRS boarded up windows at street-level along Woodland Ave and prepared the Site for arrival of work trailers and heavy equipment. A skid steer was used to spread gravel at the front gate to create an access point to the Site for truck traffic.

Tuesday, 27th, ERRS cleared brush from the fence line along Woodland Ave as well as on west side of the building to make room for office trailers. The fencing contractor repaired the front gate and continued to repair breaches in the perimeter fence. An excavator was delivered onsite. Pac-Van delivered two office trailers. START and OSC Kocher conducted a radiation survey of the debris piles on the eastern side of the building, which resulted 15 $\mu\text{R/hr}$ on the southern edge of the pile near Woodland Ave and 17 $\mu\text{R/hr}$ on the northern edge of the pile at the rear of the Site. A tracked, front-end loader was delivered onsite and ERRS began consolidating non-hazardous municipal waste into piles to create access for truck traffic to the ACM-contaminated debris. START, OSCs Kocher and Pohl walked all levels of the buildings onsite to assess building conditions and identify other hazards.

Wednesday, 28th, START deployed two AirCon2 high volume sampling pumps for perimeter air sampling to establish Site background levels. START and OSC Kocher conducted a radiation survey of the basement and miscellaneous areas within the building. START conducted perimeter air monitoring utilizing a Thermo Scientific Personal Data Recorder (PDR) 1500, which resulted an average reading of 9.6 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). ERRS continued to consolidate municipal waste for off-site disposal. Fencing contractor continued to repair breaches in the perimeter fence. Steel plates were delivered to the Site to protect the sidewalk at the entrance to the Site.

Thursday, 29th, ERRS began loading nonhazardous municipal waste. Nine (9) truck loads were shipped to American Landfill, Waynesburg, Ohio for disposal. START conducted perimeter air monitoring. No perimeter air sampling was conducted due to rain. OSC Augustyn observed a quarter-sized plastic disc on the ground displaying the "radioactive" symbol. Screening of the plastic disc resulted 200 $\mu\text{R/hr}$. The item was identified as a check source used for calibration of radiation detectors. The source will be turned over to the R5 Health Physicist for disposal or use in training. Fencing contractor completed all repairs to breaches in the perimeter fence.

Friday, 30th, ERRS loaded an additional 12 trucks with nonhazardous municipal waste for disposal at

American Landfill, Waynesburg, Ohio. No additional municipal waste will be disposed offsite. ERRS began consolidating onsite ACM debris piles. START conducted perimeter air monitoring and, due to rain, abbreviated perimeter air sampling. Air samples collected on the 29th and 30th were shipped to QuanTEM Laboratories of Oklahoma City, OK for PCM analysis. ERRS uncovered three compressed gas cylinders while consolidating debris piles. Cylinders were segregated and set aside for proper handling and disposal.

Monday, October 3, 2016, START conducted perimeter air sampling and perimeter air monitoring. ERRS continued consolidation of ACM debris piles for shipment offsite. START inspected building and marked any suspect ACM—thermal system insulation (TSI) that was on the floor of the first two floors in the building.

Tuesday, 4th, START conducted perimeter air sampling and perimeter air monitoring. ERRS continued to consolidate debris piles for eventual offsite disposal. EPA consulted the City of Cleveland, Demolition Department regarding a free-standing wall along Woodland Ave. The wall is unsafe and is showing signs of further degradation as the result of vibrations from EPA's heavy equipment. A decision was made that EPA will demolish the wall and replace it with a 6 foot fence along Woodland, Ave.

Wednesday 5th, START conducted perimeter air sampling and perimeter air monitoring. ERRS continued consolidation of ACM-contaminated debris. Two trailer lining racks arrived onsite for lining and wrapping of trucks. The front-end loader was demobilized offsite. A full 55-gallon poly drum of unknown source and content was illegally dumped ~100 feet east of the site along Woodlawn Ave in the tree lawn. OSC Augustyn directed ERRS to move the drum onsite for characterization and disposal. A 55-gallon drum found in the building with a label reading "fuel oil additive" was moved and stored with the poly drum and 2 other 55-gallon drums of tar. The drums will be sampled for further categorization and disposal.

Thursday, 6th, START conducted perimeter air sampling and perimeter air monitoring. ERRS continued to consolidate ACM-contaminated debris piles for eventual shipment offsite. A roll-off box for recycling scrap metal was delivered and placed at the north end of the Site

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

Ohio EPA referred the case to Ohio Attorney General's Office on December 30, 2014. A default Judgment against Harper was entered on August 17, 2015.

Harper failed to pay property taxes for the Site and Cuyahoga County began its tax foreclosure process. The County has indicated that it unsuccessfully attempted to sell the Site and that ownership of the Site has now passed to the State.

On March 16, 2016, EPA issued a General Notice of Potential Liability (GNL) to Mr. James H. Hyland III, President, Harper Industries Inc. and to Mr. Keith W. Kern, Registered Agent, on behalf of Harper. Region 5 has not received any responses to its GNLs

2.1.4 Progress Metrics

Load Number	Date	Subcontractor	Disposal Facility	Manifest #	Weight (tons)
1	9/29/16	Waste Management	American Landfill	SW-001	17.92
2	9/29/16	Waste Management	American Landfill	SW-002	15.45
3	9/29/16	Waste Management	American Landfill	SW-003	14.08
4	9/29/16	Waste Management	American Landfill	SW-004	15.95
5	9/29/16	Waste Management	American Landfill	SW-005	12.87
6	9/29/16	Waste Management	American Landfill	SW-006	12.54
7	9/29/16	Waste Management	American Landfill	SW-007	10.92
8	9/29/16	Waste Management	American Landfill	SW-008	12.54
9	9/29/16	Waste Management	American Landfill	SW-009	12.49
10	9/30/16	Waste Management	American Landfill	SW-010	8.76
11	9/30/16	Waste Management	American Landfill	SW-011	10.96
12	9/30/16	Waste Management	American Landfill	SW-012	11.19
13	9/30/16	Waste Management	American Landfill	SW-013	14.56
14	9/30/16	Waste Management	American Landfill	SW-014	13.42
15	9/30/16	Waste Management	American Landfill	SW-015	13.90
16	9/30/16	Waste Management	American Landfill	SW-016	16.89
17	9/30/16	Waste Management	American Landfill	SW-017	13.27
18	9/30/16	Waste Management	American Landfill	SW-018	14.44

19	9/30/16	Waste Management	American Landfill	SW-019	12.89
20	9/30/16	Waste Management	American Landfill	SW-020	11.93
21	9/30/16	Waste Management	American Landfill	SW-021	13.89
Total					280.86

As of 10/6/16, EPA has shipped 21 truck loads of nonhazardous municipal solid waste off site to American Landfill, Waynesburg, OH. Cumulative tonnage of nonhazardous solid waste to date is 280.86 tons.

2.2 Planning Section

2.2.1 Anticipated Activities

Begin shipment of ACM-contaminated debris for disposal.

Collect, bag and dispose of suspect ACM TSI on the floor inside the building.

Demo freestanding wall along Woodland Ave and replace with 6 foot fence. Dispose of wall debris as ACM-contaminated.

2.2.1.1 Planned Response Activities

Same as above

2.2.1.2 Next Steps

Same as above

2.2.2 Issues

None

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

No information available at this time.

3. Participating Entities

No information available at this time.

4. Personnel On Site

No information available at this time.

5. Definition of Terms

No information available at this time.

6. Additional sources of information

No information available at this time.

7. Situational Reference Materials

No information available at this time.