United States Environmental Protection Agency
Region IV
POLLUTION REPORT

Date: Tuesday, September 25, 2007
From: Art Smith

To: Shane Hitchcock, EPA Region 4 Fazi Sherkat, KYDEP

Subject: Polrep No. 11 and Final
MJ Daly Site
101 Oak Street, Ludlow, KY
Latitude: 39.0948330
Longitude: -84.5436330

POLREP No.:	11	**Site #:**	A4KJ
Reporting Period:	10/24/2006 through 09/24/2007	**D.O. #:**	0042
Start Date:	8/26/2005	**Response Authority:**	CERCLA
Mob Date:	8/26/2005	**Response Type:**	Time-Critical
Demob Date:	8/31/2007	**NPL Status:**	Non NPL
Completion Date:	8/31/2007	**Incident Category:**	Removal Action
CERCLIS ID #:	KYD008856668	**Contract #**	68-S4-02-04
RCRIS ID #:			

Site Description

The EPA removal action which was initiated in August 2005 and halted in January 2006 was re-started on June 1, 2006. The scope of work for Phase 2 activities involves construction of a cap and a sheet pile wall to isolate an area of high VOC contamination in soil (total VOCs in soil > 10,000 ppm), and to cutoff the offsite migration of contaminants discharging into a nearby storm drain. (See Previous POLREPs and the Action Memos approved for this Site for a more complete description of site background).

Above average rainfall in July 2006, and the discovery of additional areas of contamination necessitated authorization to continue the removal action beyond the one year statutory deadline. The Statutory Exemption Action Memo was signed in August 2006, authorizing additional removal activities to continue through September 2007. The U.S. District Court for the Eastern District of Kentucky has granted access to the Site to EPA and it's contractors during this period.

Current Activities

From 11/13/06 through 11/24/06, ERRS engaged in the following activities designed to complete the removal action at the Site:
- connect perimeter drainage system to the existing Northern Kentucky Sanitation District No. 1 (SD1) sewer manhole onsite.
- raise existing manholes and drop inlet rim elevations to allow for re-grading of the Site
- complete construction of clay cap within former railroad spur right of way, and tie into recently completed clay cap onsite.
- bridge the clay cap with the former railroad spur right of way by installing rip rap and compacted crushed stone to prevent erosion of the engineered cap.

On 11/13-11/14/06, the EPA's Environmental Response Team (ERT) Response Engineering and Analytical Contract (REAC) personnel constructed a shallow and a deep monitoring well at the perimeter of the Site along Elm Street. Analytical results indicated the presence of volatile organic compounds (VOCs) in shallow groundwater which are consistent with the contaminats of concern at the Site. (See "Trip Report MJ Daly Site, November 2006", posted in the Documents Section of the website).

On 03/21/07, the Superfund Technical Assistance and Response Team (START) collected samples from the perimeter drainage system. The analytical results showed an increase in total VOCs concentrations (<1,000 ug/l) which exceeded those results obtained from the 09/13/06 sampling event (<80 ug/l). A followup sampling event planned for June 2007 was cancelled after 3 consecutive attempts to collect a sample from the SD1 manhole were unproductive due to dry weather conditions. (See "Final March 2007 and June 2007 Stormwater Run-off Sampling Report, posted in the Documents Section of the website).

During the removal action, excavation was carried out until all visible evidence of soil contamination was removed, except where further excavation posed a risk of undermining the retaining wall along the eastern property line. Removal of contaminated soils was limited in this area of the Site due to a concern that the stability of the railroad embankment could be affected. The presence of residual contamination upgradient of the subsurface drain may possibly account for the elevated VOCs in the March 2007 stormwater sampling event. However, the stormwater runoff quality remains considerably improved from pre-removal conditions when the runoff was found to be in excess of 25,000 ug/l total VOCs.

On 03/23/07, EPA Region 4 and the Kentucky Department of Environmental Protection (KDEP) met with the City of Ludlow to discuss future land use restrictions at the Site. The City of Ludlow wishes to acquire the property for use as a parking lot for the newly renovated City Hall facility next door. To facilitate reuse, EPA prepared a Removal Action Report documenting the areas onsite where contamination has been identified and stabilized through capping and sheet pile construction. This report, which was forwarded to the prospective purchaser, also documents the specific restrictions on reuse of the site in order to prevent a subsequent release of hazardous substances.

On 08/27/07 through 08/31/07, the ERRS contractor returmed to the Site to dress up some minor erosion of the edge of the cap, near the Elm St. right of way. On 08/31/07, ERRS demobilized the Site, marking the completion of the removal action.

Key Issues

The immediate threats identified in the Action Memos for this Site have been mitigated through the completed removal activities, as follows:
- Actual or potential exposure to hazardous substances has been eliminated through the placement of contaminated soils into the sheet pile cell, and covered with an engineered cap.
- Areas where visibly stained soils constituted a source of contaminated surface runoff have been excavated and backfilled with clean material, prior to installation of a subsurface storm drainage system.

While the immediate threats at this Site have been addressed through this removal action, post-removal site controls are required as hazardous substances remain within the sheet pile cell and are being managed in place. Pursuant to Section 300.415(l) of the NCP, EPA does not bear responsibility for post-removal site controls. The prospective purchaser (City of Ludlow) has signified to EPA in writing of it's intent to acquire the property via eminent domain, and it's willingness to enter into a covenant with land use restrictions. In an attempt to further promote reuse of the Site, EPA has prepared a Status Letter, clarifying liability protections afforded to the prospective purchaser under CERCLA. However, because of the potential for off-site groundwater contamination originating from the Site, the City of Ludlow is awaiting a similar clarification by KDEP concerning potential liability under State law prior to acquiring the property.

Estimated Costs *

	Budgeted	Total To Date	Remaining	% Remaining
Extramural Costs				
ERRS - Cleanup Contractor	$1,475,000.00	$1,398,095.00	$76,905.00	5.21%
IAGs (Bureau of Reclamation)	$100,000.00	$89,522.00	$10,478.00	10.48%
RST/START	$30,000.00	$26,027.00	$3,973.00	13.24%
CLP	$75,000.00	$0.00	$75,000.00	100.00%
REAC	$50,000.00	$0.00	$50,000.00	100.00%
Intramural Costs				
Total Site Costs	$1,730,000.00	$1,513,644.00	$216,356.00	12.51%

* 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.

Disposition of Wastes

Waste Stream	Quantity	Manifest #	Disposal Facility
Contaminated Stormwater Runoff	27,866 gallons	0001-0005 and 0019	PermaFix Dayton, OH
Used Oil	2221 gallons		PermaFix Dayton, OH
Construction and demolition debris	2725 tons		Epperson Waste Disposal, Williamstown, KY
Powdered Ink Sludge	107 tons		Epperson Waste Disposal, Williamstown, KY
Non-Friable Asbestos	105 tons		Epperson Waste Disposal, Williamstown, KY

response.epa.gov/mjdalysite

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