UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MEMORANDUM

REPLY TO THE ATTENTION OF

SUBJECT: **ACTION MEMORANDUM:** Request for a Time-Critical Removal Action and Exemption from the $2 Million Statutory Limit at the Tremont Field Site, Cleveland, Cuyahoga County, Ohio (Site ID #C59K)

FROM: James Justice, OSC
Emergency Response Branch 1, Section 1

THRU: Jason H. El-Zein, Chief
Emergency Response Branch 1

TO: Douglas Ballotti, Acting Director
Superfund Division

I. PURPOSE

The purpose of this memorandum is to request and document your approval to expend up to $5,913,858 and grant an exemption from the $2 million statutory limit in order to conduct a time-critical removal action at the Tremont Field Site (the Site) located in Cleveland, Cuyahoga County, Ohio.

The presence of hazardous substances as defined by 40 C.F.R. Part 302.4 has been documented by the City of Cleveland (the City) during a Phase II environmental investigations completed on October 28, 2013, November 11, 2014, and July 1, 2015, as part of planned improvements being undertaken by the City. The proposed time-critical removal action will mitigate the threat to public health, welfare, and the environment posed by the release of hazardous substances, or pollutants or contaminants to the environment. Installation of a two-foot thick barrier (cap) is expected to mitigate the threat at the Site.

The proposed removal action will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(a)(1), and 40 C.F.R. § 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), to abate or eliminate the immediate threat posed to public health and/or the environment by the presence of the hazardous substances, pollutants and/or contaminants.

The uncontrolled conditions of the hazardous substances, pollutants and/or contaminants present at the Site require that this action be classified as a time-critical removal action. The project will require approximately 120 working days to complete.

There are no nationally significant or precedent-setting issues associated with the Tremont Field Site and the Site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID: OHN000506368
Category: Time-Critical Removal Action

A. Site Description

In 1948/1949, the City acquired the Site's 41.53 acres from the United States Government via the U.S. War Assets Program. At the time of the acquisition, the City was unable to determine how the U.S. Government used the Site when it owned the land between 1946 and 1948. Presumably, the U.S. Government used the Site for unspecified defense-related activities. The City acquired the Site solely for recreational purposes as a public park. Work to establish the park infrastructure was initiated in 1959 and completed in 1969.

As part of planned improvements to the park, the City performed a Phase I Environmental Assessment [Administrative Record Item 5 (AR 5)] in order to identify if any environmental impacts existed on the Site. A limited Phase II Assessment (AR 6) followed, which two additional rounds of sampling (AR 7 & 8) further supplemented. The results of the Phase II environmental investigations indicated that high concentrations of lead, arsenic, antimony and polycyclic aromatic hydrocarbons (PAHs) were present in the surface soils of the Site at or near the ground surface (0-4 feet). Upon learning of the contamination present, the City stopped issuing permits for organized recreational activities within the park in late 2015.

On February 23, 2016, based on the results of Phase II environmental investigations, the City requested that the U.S. Environmental Protection Agency (EPA) assist in conducting a removal action at the Site.

1. Removal Site Evaluation

The City's environmental consultant performed an assessment of the Site, which consisted of three sampling events. In September 2013, URS Corporation advanced 12 soil borings to a depth of 10 feet. Samples were collected at each location and analyzed for volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs) and priority pollutant metals. The results of this first sampling round were reported to the City on October 28, 2013 (AR 6).

Based upon the results of the initial Phase II site assessment, a supplemental Phase II assessment was conducted in September/October 2014, that consisted of an additional 20 soil borings advanced to a depth of 10 feet and analyzed for VOCs, PAHs priority pollutant metals. Results were reported to the City on November 11, 2014 (AR 7).

Both of the 2013 and 2014 sampling events focused primarily on the perimeter of the property. Results indicated the presence of contaminants in surface soils and the potential for widespread presence in high use areas of the Site. As a result, additional characterization/delineation

sampling of the surface soils was conducted throughout the Site in April 2015. Results of this sampling were reported to the City on July 1, 2015 (AR 8). Additionally, the City's consultant utilized the results to prepare a site-specific risk assessment that was provided to the City on July 29, 2015 (AR 9).

To evaluate whether the April 2015, data indicated direct contact threats, the City's consultant and EPA compared the results to the Ohio Environmental Protection Agency (OEPA) Voluntary Action Plan (VAP) Generic Direct Contact Standards (GDCS). In consultation with the Agency for Toxic Substances and Disease Registry (ATSDR), EPA and the City used the GDCS residential direct contact standards, rather than the commercial/industrial standards, due to the Site's location and its frequent use, particularly by children. The EPA Removal Management Levels (RMLs) are also included below. The RMLs used were the lower of the carcinogenic and non-carcinogenic values at the 10^{-4} risk level, using a Hazard Quotient of 3.

Results of the sampling are summarized graphically in Figure A-2 showing locations where there were exceedances of OEPA VAP GDCS for recreational and industrial levels in the top two feet of soil. The Site was divided into eight (8) exposure units (EUs) and assessed individually. Risk-based calculations concluded that all but EU-2 exceeded risk-based standards for at least one measured parameter. Review of the risk-based assessment by ATSDR's (AR 10) confirmed the findings presented in the Shallow Soil Characterization & Property Specific Risk Assessment (AR 9) which suggested remediation of all exposure units except EU-2.

The ATSDR did note that while there were some exceedances of direct contact standards for both lead and Benzo(a)pyrene in EU-2, these were near the 2-foot interval and could be addressed while remediating the adjacent EU-1 rather than remediate the entirety of EU-2. ATSDR also noted in its review that the assumptions made were conservative, in that they may have underestimated both the length of time the Site would be in use during the year and the number of people that would use it. This, however, did not change the recommendations for remediation.

Results from the sampling events identified the following:

- Benzo(a)anthracene in surface soils in concentrations as high as 72.9 milligrams per kilogram (mg/kg), exceeding the residential and industrial OEPA VAP GDCS of 12 and 58 mg/kg, respectively. These concentrations also exceeded the EPA residential RML of 16 mg/kg.
- Benzo(a)pyrene in surface soils in concentrations as high as 52.6 mg/kg, exceeding both the residential and industrial OEPA VAP GDCS of 1.2 and 5.8 mg/kg, respectively. These concentrations also exceeded both the EPA residential and industrial RMLs of 1.6 and 34 mg/kg, respectively.
- Benzo(b)fluoranthene in surface soils in concentrations as high as 42.9 mg/kg, exceeding the residential OEPA VAP GDCS of 12 mg/kg. These concentrations also exceeded the EPA residential RML of 16 mg/kg.
- Dibenz(a,h)anthracene in surface soils in concentrations as high as 10.6 mg/kg, exceeding both the residential and industrial OEPA VAP GDCS of 1.2 and 5.8 mg/kg, respectively. These concentrations also exceeded the EPA residential RML of 1.6 mg/kg.

- Indeno(1,2,3-cd)pyrene in surface soils in concentrations as high as 16.4 mg/kg, exceeding the residential OEPA VAP GDCS of 12 mg/kg. These concentrations also exceeded the EPA residential RML of 16 mg/kg.
- Lead in surface soils in concentrations as high as 6,480 mg/kg, exceeding both the residential and industrial OEPA VAP GDCS of 400 mg/kg and 800 mg/kg, respectively.
- Arsenic in surface soils in concentrations as high as 63.5 mg/kg, exceeding the residential VAP GCDS of 6.7 mg/kg and the background concentration of 24 mg/kg that OEPA established for Cuyahoga County.

Overall, 54 of the 76 boring locations had at least one parameter that exceeded the OEPA VAP GDCS for residential areas. Furthermore, of these 54 locations, 38 of them exceeded OEPA VAP GDCS for industrial areas. Concentrations of some contaminants also increased with the depth in some areas.

2. Physical location

The Tremont Field Site is a 41.53-acre public park located northeast of the intersection of West 11th Street and Clark Avenue, Cleveland, Cuyahoga County, Ohio 44109. The geographical coordinates for the Site are 41° 28' 24.60" North latitude and -81° 41' 11.04" West longitude. The park is bordered to the east by West 7th Street and industrial facilities, to the west by residential properties and West 11th Street, to the south by disturbed vacant lots and Clark Avenue and to the north by Interstate 490 (Figure A-1).

An Environmental Justice (EJ) analysis for the Site is contained in Attachment III. Screening of the surrounding area used Region 5's EJ Screen Tool. Region 5 has reviewed environmental and demographic data for the area surrounding the Site located west of the intersection of Quigley Road and W. 7th Street, and determined there is a high potential for EJ concerns at this location.

3. Site characteristics

The Tremont Field Site is 41.53 acres in size and was originally an undeveloped property owned by the Cuyahoga Valley Realty Company from 1903 until it was sold to the Reconstruction Finance Corporation, a corporation created pursuant to the Reconstruction Finance Corporation Act of the U.S. Congress. Ownership of the Site was transferred to the U.S. Government's War Assets Administration in February 1947.

In two deed transfers dated June 1948 & July 1949, the City acquired the Site for park and recreational purposes. An historical map that the City's Department of Public Properties prepared on June 9, 1947, in advance of acquisition from the U.S. Government, shows that Tremont Field property then contained a large pond in its northwest quadrant. The drawing also shows existence of a marsh in the southwest quadrant, as well as two areas identified as "dump fill" locations. The source material used to fill in the large pond, marsh and dump fill locations is unknown. However, the 10-foot borings did not identify anything other than soil, slag (a common fill material throughout the City of Cleveland), brick fragments and small amounts of asphalt, ceramic tile and glass.

Residential housing properties border the Site to the west. West 7th Street, an air separation plant, packaging warehouses, the City's canine and vehicle detention centers and a disturbed industrial lot form the eastern border of the Site. The southern property line borders a disturbed vacant parcel and Clark Avenue beyond. The northern Site property line borders Interstate 490 and beyond that, residential properties.

The park consists of five baseball diamonds, one football field surrounded by a cinder track, a playground, one dog park, grass fields and an asphalt parking lot. Proposed upgrades to the park include four new baseball fields, three football fields, two tennis courts, two-and-a-half basketball courts, a 2-acre dog park, a playground and a splash zone.

The Site will also be a major link along the proposed Ohio & Erie Canal Towpath Trail, which will circle around the north and west park perimeter as it runs 85 miles from downtown Cleveland southward to Zoar, Ohio.

The Tremont Field is a central feature to the immediate Tremont neighborhood as well as the surrounding community. Its location between the two main interstates (I-71 & I-490) makes it easily accessible. In addition to its general recreational use and baseball and softball team practices, City-programmed use of the park includes but is not limited to: two different teen baseball league games twice a week, one adult softball league game twice a week, at least two little league baseball league games three times a week, a fast pitch softball league game and tournament league play. Additional use includes adult touch football practice and league games.

The Tremont Field is a high-use park and is expected to be a major attraction along the towpath trail; that is the main reason it was identified for renovation and, consequently, how the contamination was identified.

The City has held several public meetings to finalize the plans and design of the park. The City, along with the Cleveland Metro Parks, and the Canalway Partners and Ohio & Erie Canalway Coalition have also held several public meetings to finalize the plans for the towpath trail around the Site.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

The release or threatened release into the environment of a hazardous substance, pollutant or contaminant occurred at the Tremont Field Site and was discovered when the City performed a Phase II environmental investigation on the property as part of planned park improvements.

Analytical results from the samples collected by the City's consultant indicated that elevated concentrations of CERCLA hazardous substances were present in surface soils including, but not limited to the following PAHs: benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd) pyrene, lead and arsenic. The concentrations of some these contaminants exceed not only the residential and industrial OEPA VAP Generic Direct Contact Standards, but also exceeded the 10^{-4} cancer risk residential and industrial EPA Removal Management Levels for many of the contaminants.

Lead concentrations found also exceeded the residential and industrial screening levels of 400 mg/kg and 800 mg/kg, respectively. As a result, the City stopped issuing permits for organized park activities immediately after learning of the environmental investigation's results. These contaminants are present in an uncontrolled environment and have the potential to migrate across the Site and onto adjacent residential properties.

5. NPL status

There are no nationally significant or precedent setting issues associated with this Site and the Site is not on the National Priorities List (NPL).

6. Maps, pictures and other graphic representations

Figure A-1: Site Aerial Map
Figure A-2: Soil Boring and Sampling Locations

B. Other Actions to Date

1. Previous actions

As part of planned improvements to the park, the City conducted Phase I and Phase II environmental investigations on the property. The results of the Phase II investigations were reported to the City in October 2013, November 2014, and July 2015. Working with EPA, the City conducted a site-specific risk assessment based on the results of the Phase II analytical results. As a result of the Phase II investigation findings, the City stopped issuing permits for organized park activities in late 2015 and, in February 2016, requested an EPA fund-lead removal action at the Site.

2. Current actions

Tremont Field's closure to organized public activities has been announced in local media outlets. The City has been working with EPA in anticipation of a removal action and has been preparing grading plans, modifying the master plan for the park to maintain some of the impervious portions of the park to reduce the soil barrier's size and assisting with identifying sources of fill material for use in the soil barrier.

The closure of the park to organized activities, continued maintenance of the currently established ground cover and with the coming fall/winter snow cover is expected to be protective in the short-term until a removal action can be initiated.

C. State and Local Authorities' Roles

1. State and local actions to date

As part of planned improvements to the park, the City conducted Phase II environmental investigations at the Site in September 2013, September/October 2014, and April 2015. Due to the investigations' results, the City closed the park to organized public activities in late 2015 and requested an EPA fund-lead removal action at the Site.

2. Potential for continued State/local response

The City has indicated that it does not have the resources to completely address the waste at the Site. However, it has agreed to work with EPA and to contribute its limited resources to remediate and restore the Site. As part of the City's efforts to assist with the cleanup, it has already taken the lead on the park GIS design work and on public outreach coordination and planning.

In addition, the City has committed to carrying out much of the restoration work following the removal action, including but not limited to: replacing any pavement removed as part of the removal action, reconstructing the baseball/football fields and backstops, construction of the tennis/basketball courts, reconstruction of a playground and splash zone, reinstalling any electrical lines and poles that are removed and replacing any removed vegetation. The City will provide access to water needed for dust suppression efforts. The City, along with the Cleveland Metro Parks, and the Canalway Partners and Ohio & Erie Canalway Coalition will also commit to the construction of the towpath trail around the park's perimeter.

III. THREATS TO PUBLIC HEALTH OR THE ENVIRONMENT, AND STATUTORYAND REGULATORY AUTHORITIES

The conditions at the Tremont Field Site present a substantial threat to the public health or welfare, and the environment, and meet the NCP's criteria for a time-critical removal action, 40 C.F.R. § 300.415(b)(2). These criteria include, but are not limited to, the following:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

Residential properties are located directly adjacent to the Site's west edge. In most cases the Site is contiguous to the backyards of the residential properties. Although organized public activities on the Site are currently restricted, continued use of the park is evident and will continue as the weather allows. The City also uses the park as the location for a number of children's baseball and softball league games. The park's amenities (playground and dog park, baseball diamonds, etc.) make it attractive for recreational use despite the City having officially closed it to organized public activities. The park's sidewalks and roadway entrance are currently designated as a temporary route for the towpath trail.

The presence of high concentrations of several PAHs (specifically, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Dibenz(a,h)anthracene and Indeno(1,2,3-cd), lead and arsenic in the Site's surface soils pose exposure risks to anyone using the Site for recreational activities. In addition, there is a potential exposure risk to City personnel and utility company crews when conducting maintenance activities at the Site. In addition, maintenance activities

may disturb soils resulting in further migration of contamination at the Site. The hazardous substances listed above pose threats to the animals that may inhabit the affected areas, in addition to threatening human health of individuals using the park for recreational activities and potentially residents living adjacent to the park.

The PAHs present at the Site are among 15 specific PAHs that are reasonably anticipated to cause cancer in humans, according to the 12th Report on Carcinogens published by the National Toxicology Program (AR 4). According to the report, uptake of PAHs through the skin is substantial. Some people who have breathed or touched mixtures of PAHs and other chemicals for long periods have developed cancer.

According to the ATSDR ToxFAQ, lead can affect almost every organ and system in the human body. The main target for lead toxicity is the nervous system, both in adults and children. Long-term exposure of adults can result in decreased performance in some tests that measure nervous system functions. It 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 can cause anemia. Exposure to high lead levels can severely damage the brain and kidneys in adults or children and ultimately cause death. In pregnant women, high levels of exposure to lead may cause miscarriage. High levels of exposure in men can damage the organs responsible for sperm production (AR 2).

The ATSDR ToxFAQ indicates that breathing high levels of inorganic arsenic can cause sore throat or irritated lungs. Ingesting very high levels of arsenic can result in death. Exposure to lower levels can cause nausea and vomiting, decreased production of red and white blood cells, abnormal heart rhythm, damage to blood vessels, and a sensation of "pins and needles" in hands and feet. Several studies have shown that ingestion of inorganic arsenic can increase the risk of skin cancer and cancer in the liver, bladder, and lungs. Inhalation of inorganic arsenic can cause increased risk of lung cancer. The Department of Health and Human Services (DHHS) and the EPA have determined that inorganic arsenic is a known human carcinogen (AR 3).

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Elevated concentrations of PAHs, lead, antimony and arsenic were identified in surface soils that exceeded the residential OEPA VAP Generic Direct Contact Standard for at least one parameter in 54 of the 76 samples collected and exceeded both the residential and industrial OEPA VAP Generic Direct Contact Standard for at least one parameter in 38 of the 76 samples collect. Heavy rains, winds and the shallow groundwater table that occur in the area can cause the contaminants to migrate off-site to the adjacent residential properties. In addition, some areas of the property lack adequate ground cover, thereby exacerbating the potential migration of contaminants by wind and rain.

High Levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate;

Seventy-six (76) soil bores were collected during the Phase II Environmental Investigation conducted by the City. Review of analytical was restricted to concentrations of contaminants of concern present only in the top 2 feet of soil at the Site. Analytical results were compared to residential OEPA VAP Generic Direct Contact Standard as the property is located immediately adjacent to residential properties and is a high use public park that will increase in use with completion of the towpath project.

- Benzo(a)anthracene in surface soils in concentrations as high as 72.9 milligrams per kilogram (mg/kg), exceeding the residential and industrial OEPA VAP GDCS of 12 and 58 mg/kg, respectively. These concentrations also exceeded the EPA residential RML of 16 mg/kg.
- Benzo(a)pyrene in surface soils in concentrations as high as 52.6 mg/kg, exceeding both the residential and industrial OEPA VAP GDCS of 1.2 and 5.8 mg/kg, respectively. These concentrations also exceeded both the EPA residential and industrial RMLs of 1.6 and 34 mg/kg, respectively.
- Benzo(b)fluoranthene in surface soils in concentrations as high as 42.9 mg/kg, exceeding the residential OEPA VAP GDCS of 12 mg/kg. These concentrations also exceeded the EPA residential RML of 16 mg/kg.
- Dibenz(a,h)anthracene in surface soils in concentrations as high as 10.6 mg/kg, exceeding both the residential and industrial OEPA VAP GDCS of 1.2 and 5.8 mg/kg, respectively. These concentrations also exceeded the EPA residential RML of 1.6 mg/kg.
- Indeno(1,2,3-cd)pyrene in surface soils in concentrations as high as 16.4 mg/kg, exceeding the residential OEPA VAP GDCS of 12 mg/kg. These concentrations also exceeded the EPA residential RML of 16 mg/kg.
- Lead in surface soils in concentrations as high as 6,480 mg/kg, exceeding both the residential and industrial OEPA VAP GDCS of 400 mg/kg and 800 mg/kg, respectively.
- Arsenic in surface soils in concentrations as high as 63.5 mg/kg, exceeding the residential OEPA VAP GCDS of 6.7 mg/kg and the background concentration of 24 mg/kg that OEPA established for Cuyahoga County.

Being at or near the Site surface, these hazardous substances have the potential to migrate off-site by wind and/or rain, resulting in surficial migration across the Site and onto adjacent properties and/or into area surface waters via storm sewers. Because of the recreational activities at the park, human activity could also result in migration of contaminants off-site by adhering to clothing and vehicles. Additionally, recreational activity could also make contaminants more susceptible to off-site migration by disturbing vegetative cover and exposing more contaminants to wind and rain.

The availability of other appropriate Federal or state response mechanisms to respond to the release;

On February 23, 2016, EPA received a Request for Remediation – Removal/Response Assistance from the City of Cleveland (AR 11). In subsequent meetings, the City has indicated that it does not have the financial resources to remediate the Site and reopen it for public use.

Although the City does not have the resources to address the contamination at the Site, it has offered assistance in other areas of the project, including but not limited to the following:

- Coordinating community outreach efforts;
- Acquiring meeting space for public meetings;
- Assisting in preparation of fact sheets;
- Assisting in Site design GIS/CAD work;
- Providing temporary fencing to restrict access;
- Providing a staging location for work trailers and equipment;
- Replacing any utilities removed during the removal action;
- Replacing any and all paved services removed during the removal action;
- Restoring the baseball fields and associated amenities;
- Constructing the Towpath trail link;
- Assisting with the final replacement and replanting of any removed vegetation;
- Providing long-term operation and management of the cap;
- Assisting in developing a Risk Management Plan for future work on the Site.

Other situations or factors that may pose threats to public health or welfare of the United States or the environment;

Although the City officially closed the park and will no longer issue permits for public activities, the Site is still accessible. Numerous residential properties border the Site, allowing for easy access to the contamination present in the surface soils.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the suspected hazardous substances, pollutants or contaminants on-Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances, pollutants or contaminants from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

Section 104(c) of CERCLA, as amended by SARA, limits the Federal emergency response to $2 million unless three criteria are met. The quantities and levels of hazardous substances at the Tremont Field Site warrant the $2 million exemption based on the following factors:

A) There is an immediate risk to public health or welfare or the environment;

The Site is located adjacent to a residential neighborhood and is bordered by numerous residential properties. All these properties are immediately contiguous to the Site, and in many cases allow easy access to the park despite the City's restriction on organized public activities. Additionally, park amenities, including five baseball fields, a football field, a cinder running track, a dog park and a playground, continue to be accessed.

The concentrations of benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd) pyrene, lead and arsenic present in the surface soils exceed both the residential OEPA VAP Generic Direct Contact Standard and the industrial OEPA VAP Generic Direct Contact Standard. The continued and unmitigated presence of these contaminants at such elevated concentrations presents an immediate risk to human health, welfare and the environment at the Site, as well as in the surrounding neighborhood. Furthermore, if left unmitigated, the contaminants will continue to migrate and potentially affect a wider area, specifically, immediately adjacent residential properties.

Additionally, despite the restriction of organized public activities at the park, the location and amenities continue to draw community attention and use.

B) Continued response actions are immediately required to prevent, limit, or mitigate an emergency;

The continued presence of hazardous substances at the Site constitutes an imminent threat to human health, welfare, and the environment and as such emergency and continued response actions are immediately required. Despite the restriction of organized activities at the park, the park is still accessible and is used by area residents and children resulting in potential exposures to elevated concentrations of benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd) pyrene, lead and arsenic in the soil.

The effects of wind and rain on the contaminated soils constitute an additional threat of release that, if left unmitigated, could impact the environment and surrounding residential neighborhoods.

As mentioned, the Tremont Field Site is a valued asset for the community and was used frequently. Despite use restrictions currently in effect, there is evidence that the park is still used.

C) Assistance will not otherwise be provided on a timely basis;

In a letter received February 23, 2016, the City requested that EPA assist by conducting a time-critical removal action at the Tremont Field Site. The City has indicated that it does not have the resources to address the contamination at the Site in a timely manner. Neither OEPA nor any other local government has adequate resources to conduct a time-critical removal action of this magnitude. If the Site is left unmitigated, there will be continued risks to those in and around the Site and a high potential for further migration of the contaminants into the adjacent properties and surrounding neighborhood.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions Taken

1. Action description

Anticipated removal activities on Site include, but are not limited to:

1. Provide additional signage and fencing, as needed, to demarcate park closure.

2. Developing and implementing a Site Health and Safety Plan and Site Security Plan;

3. Developing and implementing an Air Monitoring and Sampling Plan;

4. Developing and implementing a Storm Water Pollution Prevention Plan;

5. Developing and implementing a plan to allow the return of the park to recreational use. Current plans (subject to adjustment) include the following:

    a. Excavating areas and/or re-grading impacted areas (approximately 24 acres) to prepare for the installation of a soil barrier;
    b. Installing drainage along the Site's perimeter;
    c. Installing marking layer/geotextile fabric barrier over contaminated areas; and
    d. Placing two feet of clean fill/cap material over footprint of exposed contaminated areas;

6. Characterizing, excavating, and disposing of soils and debris as/if needed. Most, if not all, soil is anticipated to be managed on Site or regraded and left in place;

7. Decontaminating heavy equipment as necessary, and appropriately disposing of decontamination water;

8. Site restoration, including, but not limited to grading and backfilling; and

9. Taking any necessary response action to address any release or threatened release of a hazardous substance, pollutant or contaminant that EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

Post Removal Site Controls - The removal action will be conducted in a manner not inconsistent with the NCP. The On-Scene Coordinator (OSC) has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP. The OSC has begun to coordinate these efforts with the City and they will be incorporated into restoration work that the City will conduct as part of the removal action.

Off-Site Rule - All hazardous substances, pollutants, or contaminants removed off-Site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as EPA determines, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

2. Contribution to remedial performance:

The proposed action will not impede future actions, based on available information.

3. Engineering Evaluation/Cost Analysis (EE/CA)

Not Applicable

4. Applicable or Relevant and Appropriate Requirements (ARARs)

All applicable, relevant, and appropriate requirements (ARARs) of Federal and state law will be complied with to the extent practicable considering the exigencies of the circumstances. Potential ARARs identified to date include:

Federal
RCRA Subtitle C requirements for preparing hazardous waste for shipment off-site (40 CFR Part 262 Subparts B and C)

Hazardous Materials Transportation Act 49 USC § 01801 -1813; 49 CFR Parts 171-177; 40 CFR Part 263 Applicable Sets standards that apply to the transport of hazardous waste.

State
On July 27, 2016, EPA asked Mike Eberle of OEPA via electronic mail to identify any State of Ohio ARARs that may apply (AR 12). On August 2, 2016, OEPA responded with a list of potential ARARs, primarily noting the applicability of RCRA among several other requirements, including the VAP GDCS. (AR 13).

5. Project Schedule

The removal activities are expected to take 120 on-Site working days to complete.

6. Disproportionate Funding

The response actions described in this memorandum directly address the actual or threatened release at the Site from hazardous substances, pollutants or contaminants, which may pose an imminent and substantial endangerment to public health, welfare, or the environment. Because the affected population, that is, the park's users and the surrounding residences and business are expected to benefit from the abatement of the threat to human health the Site presently poses, and the prohibition on Site entry will be temporary, EPA does not believe that these response actions will impose a disproportionate burden on the affected property.

B. Estimated Costs

The detailed cleanup contractor cost is presented in Attachment 2 and the Independent Government Cost Estimate is presented in Attachment 3. Estimated project costs are summarized below:

REMOVAL ACTION PROJECT CEILING ESTIMATE	
Extramural Costs:	
Regional Removal Allowance Costs: Total Cleanup Contractor Costs (This cost category includes estimates for ERRS, subcontractors, Notices to Proceed, and Interagency Agreements with Other Federal Agencies. Includes a 15% contingency of $644,505)	$4,941,205
Other Extramural Costs Not Funded from the Regional Allowance: Total START, including multiplier costs	$ 201,280
Subtotal Extramural Costs	$5,142,485
Extramural Costs Contingency (15% of Subtotal, Extramural Costs rounded to nearest thousand)	$ 771,373
TOTAL REMOVAL ACTION PROJECT CEILING	**$5,913,858**

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Contamination may migrate from the Site to the adjacent residential properties if action is delayed or not taken. Furthermore, delayed action may increase the risk to the environment and animal populations if the hazardous substances and/or pollutants or contaminants in the surface soils are not addressed. The local human population could be exposed to the hazardous substances, pollutants or contaminants through trespass at the Site.

VIII. OUTSTANDING POLICY ISSUES

None

IX. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Confidential Enforcement Addendum.

The total EPA costs for this removal action, based on full-cost accounting practices, that will be eligible for cost recovery are estimated to be $10,791,560[1]

($5,913,858 + $175,500) + (77.22% x $6,089,358) = $10,791,560

[1] Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

X. RECOMMENDATION

This decision document represents the selected removal action for the Tremont Field Site, located northeast of the intersection of West 11th Street and Clark Avenue, Cleveland, Cuyahoga County, Ohio. It was developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based upon the Administrative Record for the Site. Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal action and I recommend your approval of the proposed removal action.

The total removal action project ceiling if approved will be $5,913,858. Of this, an estimated $5,712,578 may be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVE _____ DATE: 8/31/16
Douglas Ballotti, Acting Director
Superfund Division

DISAPPROVE _____ DATE: _____
Douglas Ballotti, Acting Director
Superfund Division

Enforcement Addendum

Figure:

A-1: Site Boundary Map
A-2: Soil Boring and Sampling Locations

Attachments

I. EJ Analysis
II. Administrative Record
III. Detailed Cleanup Contractor Cost Estimate
IV. Independent Government Cost Estimate

cc: B. Schlieger, EPA HQ
L. Nelson, U.S. DOI, **w/o Enf. Addendum,** (email: Lindy_Nelson@ios.doi.gov)
Craig Butler, Director, OEPA, w/o **Enf. Addendum**
(email: craig.butler@epa.ohio.gov)
Mike DeWine, Ohio Attorney General, **w/o Enf. Addendum**
(email: Mike.DeWine@ohioattorneygeneral.gov)

BCC PAGE HAS BEEN REDACTED

NOT RELEVANT TO SELECTION

OF REMOVAL ACTION

ENFORCEMENT ADDENDUM

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ENFORCEMENT CONFIDENTIAL

NOT SUBJECT TO DISCOVERY

FOIA EXEMPT

NOT RELEVANT TO SELECTION

OF REMOVAL ACTION

FIGURE A-1: SITE BOUNDARY MAP

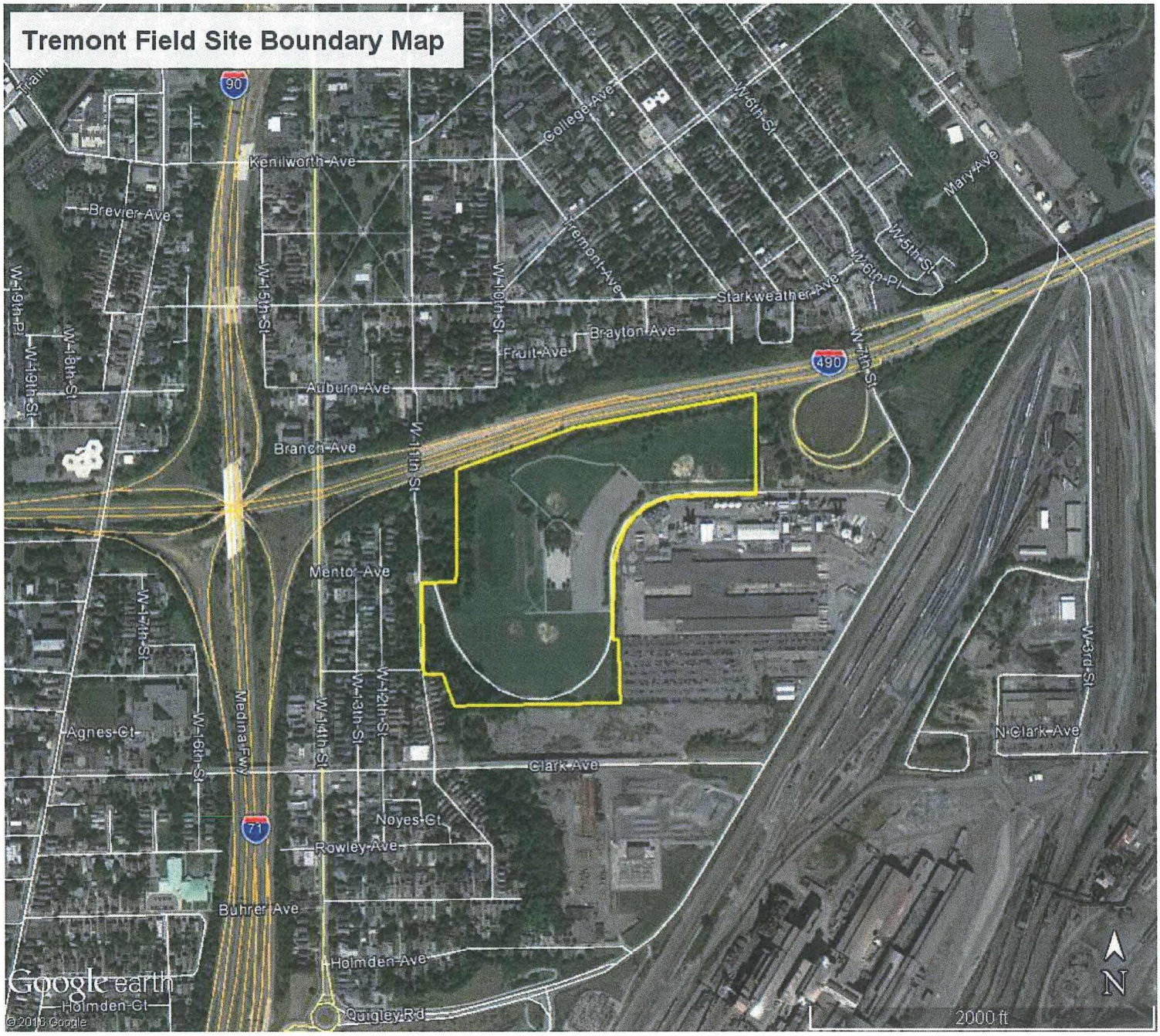

FIGURE A-2: SOIL BORING AND SAMPLING LOCATIONS

LEGEND

- All parameters below residential VAP levels
- At least one parameter between residential and industrial VAP levels.
- At least one parameter above industrial VAP levels.

ATTACHMENT I

EJ ANALYSIS
TREMONT FIELD SITE
CLEVELAND, OHIO
AUGUST 2016

Screening of the surrounding area used Region 5's EJ Screen Tool. Region 5 has reviewed environmental and demographic data for the area surrounding the site located west of the intersection of Quigley Road and W. 7th Street, and determined there is a high potential for EJ concerns at this location.

ATTACHMENT III

DETAILED CLEANUP CONTRACTOR ESTIMATE

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NOT RELEVANT TO SELECTION

OF REMOVAL ACTION

ATTACHMENT IV

INDEPENDENT GOVERNMENT COST ESTIMATE

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OF REMOVAL ACTION