



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



207904

REPLY TO THE ATTENTION OF

SE-5J

**MEMORANDUM**

**DATE:** NOV 26 2003

**SUBJECT:** ACTION MEMORANDUM -Request for a CERCLA Removal Action  
Exemption to the \$2 Million Statutory Limit for the Time-Critical Removal Action  
at the National Lacquer and Paint Company Site, Chicago, Cook County, Illinois

**FROM:** Charles Gebien, On-Scene Coordinator  
Emergency Response Section II

Thomas Cook, On-Scene Coordinator  
Emergency Response Section III

Sam Borries, On-Scene Coordinator  
Emergency Response Section II

**THRU:** Richard C. Karl, Chief *R. Karl*  
Emergency Response Branch

**TO:** William E. Muno, Director  
Superfund Division

Site ID#: B57L  
CERCLIS ID#: ILN000508951

**I. PURPOSE**

The purpose of this memorandum is to request an exemption from the \$2 million statutory limit and request for your approval to expend up to \$ 2,862,806 in order to mitigate an imminent and substantial threat to public health and the environment that is posed by the presence of uncontrolled hazardous wastes and substances at the National Lacquer and Paint Company (NLP) site, at 7411 - 7431 South Green Street, Chicago, Cook County, Illinois.

The NLP site is a defunct manufacturer of industrial lacquers and paints which operated for over forty years. Most recently, the site operated as a paint stripping business. In June 2002, the City of Chicago Building Department ordered work at the premises to cease due to building code violations. The NLP site consists of: 1) several connected two-story brick buildings which housed the facility's main office, warehouse, laboratory, mixing areas and wash areas; 2) an outdoor above-ground tank farm and dock, and; 3) an outdoor storage yard. The NLP site contains approximately 800 drums, 8,000 buckets, 6 totes, 10 compressed gas cylinders, 10,000 laboratory jars/bottles and 71 tanks of various sizes. The materials in the drums are mostly labeled as paints, waste solvents, various acids and resins. Many of the drums are rusted and leaking. Analytical results from the sampling of the drums and tanks have identified the presence of flammable liquids, chlorinated solvents, acids, bases and wastes exhibiting the RCRA lead toxicity characteristic. The laboratory contains a wide variety of incompatible chemicals labeled as acids, bases, oxidizers and flammable liquids. Many of the containers are leaking and are stored together with no physical barriers between them to prevent co-mingling.

These conditions present direct contact, inhalation, and fire hazards to the NLP site and the surrounding residential neighborhood. The time-critical removal action proposed herein will mitigate threats to public health, welfare and the environment that are posed by these hazardous substances by removing tanks, containers and waste spillage from the site.

This site is not on the National Priorities List, has not been ranked and does not set any nationally significant precedents. The project will require an estimated 120 on-site working days to complete.

## **II. SITE CONDITIONS AND BACKGROUND**

### **A. Physical Location**

The National Lacquer and Paint (NLP) Site is located at 7411 to 7431 South Green Street, Chicago, Illinois (latitude 41 45' 31" N and longitude 87 38' 43" W). The site consists of property parcels identified with permanent real estate index numbers 2029230005, 2029230026, 2029230008, 2029230009, 2029230010, 2029230011 and 2029230012 (See Figures 1 and 2). The site is in an industrial, commercial, and residential area on the east side of the 7400 South block of Green Street. The site is bounded on the north by a two-story frame home (7409 S. Green Street), on the east by a city alley, on the west by Green Street and on the south by 75<sup>th</sup> Street. The west side of the 7400 South block of Green Street consists of residential homes.

An environmental justice analysis has been prepared for the area surrounding the site (Attachment B). According to the Region 5 Superfund Environmental Justice Analysis, the group of residents closest to the site fall within census block group 2, with a population of 667 persons. Demographics for the residents in this census group indicate 44% with a low-income, with 97% having minority status. In Illinois, the low-income percentage is 27% and the minority percentage is 25%. To meet the Environmental Justice (EJ) concern criteria, the area within 1

mile of the site must have a population that is twice the state low-income percentage and/or twice the state minority percentage. That is, the area must be at least 54% low-income and/or 50% minority. Therefore, the site does meet the Region's EJ criteria based on demographics, as defined in "Region 5 Interim Guidelines for Identifying and Addressing a Potential EJ Case", June 1998.

## **B. Site Description and Background**

The NLP site manufactured lacquers and paints for over forty years. Mr. Paul Meyers owned the business until he sold it to Ms. Elina Dalleck in 1986. Ms. Dalleck operated the business as its president until 1995, when National Lacquer and Paint Company was dissolved and the business was sold to National Lacquer Company, Inc. Most recently, the site operated as a paint-stripping and pigment packaging business. The Capital Tax Corporation recently acquired portions of the site, where hazardous wastes are currently stored, by tax deed; these include property parcels identified with permanent real estate index numbers 2029230005, 2029230026, 2029230009, 2029230011 and 2029230012.

The NLP site consists of several connected two-story brick buildings identified in the site's contingency plan as Buildings A through F (See figure 3). The 1<sup>st</sup> floor of Building A houses a main office, warehouse, an outdoor above-ground tank farm and a dock. Building B houses the main mixing room. The second floor of building B houses a laboratory. Building C houses the roller mill room; Building D houses the pigment room; Building E houses the wash department; and Building F houses the ball mill room. An outdoor storage yard lies between buildings A and F on the west side of the site.

According to a Chicago Department of Environment (CDOE) complaint investigation form, on September 11, 1997, CDOE and Chicago Fire Department (CFD) representatives met with Mr. William Lerch, Plant Manager, to inspect the site. The form indicates that paint production operations apparently had ceased and that the main operation at the site was wood-stripping that utilized methylene chloride and paint pigment repackaging. Hundreds of drums and pails, some of which were rusted and leaking flammable liquids, were observed in various parts of the site. Mr. Lerch indicated that Strong Environmental had been contacted to dispose of the waste materials. The inspectors indicated that the condition of the plant and improper storage of drums and other materials represent a high risk factor.

According to a CDOE inspection report, on January 21, 1998, CDOE and CFD representatives inspected the site. The report indicates that some of the drums observed during the September 11, 1997, inspection were segregated by their contents, but many of the drums and pails were still unlabeled and leaking. The wood-stripping vats were partially full and the sub-basement beneath them was filled with a brownish liquid. Hundreds of drums, some of which were rusted and leaking flammable liquids, were observed in various parts of the site. A strong solvent odor was present in two of the site buildings from leaking drums and pails. The report indicates that the

strong solvent odor at the premises presented a potential fire and environmental hazard.

According to a CDOE status inspection report, on January 27, 1998, CDOE re-inspected the site. The report indicates that Mr. Lerch, Plant Manager, provided the inspector with a business license, a contract with Strong Environmental for removal, disposal and analytical services, a waste manifest, and an inventory of material and material data safety sheets (MSDS's). The process of cleaning was in progress. The drums were labeled and none were leaking. The floor of the warehouse was covered with a mix of rainwater from a leaking roof and spilled products from leaking pails. The wood-stripping vats were covered, but the sub-basement still had liquid in it. Mr. Lerch indicated that the liquid was water from a leaky roof. Approximately 100 drums of stripping waste were present in the yard, awaiting solids separation.

According to a CDOE inspection report, on May 6, 1998, CDOE and CFD representatives inspected the site. The report indicates that many of the drums and pails were still unlabeled and leaking. There still was no paint production operation, only wood-stripping. A strong solvent odor was present in the warehouse. Water mixed with product was flowing out of the door of the warehouse into the street. The roof of the buildings was still leaking. The report indicates that the premises presented potential fire, health and environmental hazards.

On April 14, 2002, CDOE, Chicago Police Department (CPD), and CFD representatives responded to report of a hazardous materials release at the site. The report indicates that Mr. Lerch, the owner of National Lacquer Co., called the CPD to report that workers for the Capital Tax Corp. were moving drums of hazardous materials from one part of a building to another, causing the drums to leak on the floor. According to Mr. Lerch, the workers were moving drums from the warehouse now owned by Capital Tax Corp. to an adjacent area owned by National Lacquer Co. Mr. Lerch also indicated that the National Lacquer Company had closed down its business, although City inspectors later (5/1/02) observed indications that business activities were still ongoing. The City photo-documented site conditions and issued National Lacquer Co. and Capital Tax Corp. Administrative Notices of violations for various City code violations, which included the spillage of hazardous substances due to container movement, accumulation of material, treatment and disposal of liquid and solid wastes, and causing conditions detrimental to health.

On June 4, 2002, the City of Chicago Building Department ordered work at the premises to cease due to building code violations. The Order was posted on the entry door to the facility.

On July 28, 2003, the CDOE requested U.S. EPA to assess the NLP site for a removal action in order to address the waste materials abandoned at the site.

### **C. Current Site Conditions**

On July 31, 2003, U.S. EPA escorted representatives of the CDOE and CFD on an inspection of

the site. Workers in Building F were removing equipment with cutting torches and indicated that they were working for the building's owner. The inspection team observed multiple tanks and containers throughout the site which contained paint-related materials and solvents, many of which were open or leaking. A large hole was observed in an overhead door which accesses the outdoor storage area on Green Street.

On August 1, 2003, U.S. EPA returned to the site to initiate a removal assessment. An approximate waste inventory was prepared which identified the presence of 500 drums, 7,000 buckets, 6 totes, 10 compressed gas cylinders, 2,350 laboratory jars/bottles and 71 tanks of various sizes. The materials in the drums were mostly labeled as paints, waste solvents, various acids and resins. Carboys labeled as muriatic acid were stored among buckets labeled as "polyisocyanate in solvent". Laboratory chemicals were labeled as epichlorohydrin, butyl acetate, trichloroethane, trichloroethylene, dipropylene monomethyl ether, polybutadiene hydroxyl, ethylene dichloride, acetanilide, butyl carbitol, hexamethylene diisocyanate, polyisocyanate, sodium dichromate, ammonium dichromate, potassium dichromate, chromic acid, sulphuric acid, nitric acid, sodium hydroxide, cobalt, and lead acetate. They were labeled with proprietary trade names bearing warning labels as being poisonous, flammable or corrosive. Many containers were unlabeled or labeled only with numbers. Many of the containers were leaking or exhibited crystal formations at their lids. Incompatible containers labeled as acids, bases, oxidizers and flammables were stored together. U.S. EPA and the CFD nailed plywood over the broken overhead door to restrict open access to the storage yard and buildings. The property is not guarded. Residents living adjacent to the site indicated that children regularly enter the property and were recently playing with fireworks within the site. U.S. EPA observed a used hyperdermic needle and liquor bottles on the ground in the storage yard near the broken overhead door.

On August 4, 2003, U.S. EPA returned to the site to complete the removal assessment (See Figure 3). Five investigative samples were collected from two open vats (samples V-1 and V-2), a poly drum marked "sulphuric acid" (sample D-1), a steel drum marked as "dirty solvents" (sample D-2), and a steel above-ground storage tank with open top hatches (sample AST-1). The samples were shipped for analysis to Suburban Laboratories, Inc. Five other containers were field tested with pH paper and were found to contain acids ( $\text{pH} < 1$ ) and bases ( $\text{pH} > 14$ ). Strong solvent odors were present in the air in Buildings D and E, measuring up to 2400 ppm with a photo ionization detector (PID). Samples V-1, V-2 and D-2 were analyzed for total metals and volatile organic compounds (VOCs), toxicity characteristic leaching procedure (TCLP) metals and VOCs, pH, flashpoint and polychlorinated biphenyls (PCBs), since the sample appeared to be a waste. Sample AST-1 was analyzed for total VOCs, TCLP VOCs, pH, and flashpoint, since the sample appeared to be a non-metal bearing product. Sample D-1 was only analyzed for pH and flashpoint as the sample appeared to be an acid product. Each sample exceeded criteria for characteristic hazardous waste as set forth in 40 CFR, Part 261, for either corrosivity, ignitability, metals content by the TCLP, or for a combination of results. The regulation defines a characteristic hazardous waste that is corrosive as one that has a pH less than or equal to 2 or greater than or equal to 12.5; it defines a characteristic hazardous waste that is ignitable as one that has a flashpoint of less than 140 degrees Fahrenheit. A characteristic hazardous waste for

lead content is one that equals or exceeds a concentration of 5 milligrams per liter (mg/L) of TCLP lead.

An analysis of sample V-1 revealed ethylbenzene (7,210 ppm), and p-xylenes (29,800 ppm), o-xylene (11,600 ppm), and toluene (4,640 ppm); and it exhibited a flash point of 109 degrees Fahrenheit. Sample V-2 contained ethylbenzene (525 ppm), and p-xylenes (1,870 ppm), o-xylene (496 ppm), toluene (1,340 ppm) and methylene chloride (1,620 ppm); and it exhibited a flash point of 124 degrees Fahrenheit. Sample D-1 had a pH of 1. Sample D-2 contained 2-butanone (239,000 ppm), acetone (62,000 ppm), and toluene (276,000 ppm); and it exhibited a flashpoint of 23 degrees Fahrenheit. Sample AST-1 identified the presence of 2-butanone (93 ppm) and acetone (140 ppm) and exhibited a flashpoint of 126 degrees Fahrenheit. Samples V-1, V-2, and D-2 all exceeded the TCLP lead limit of 5 mg/L, at 140mg/L, 74 mg/L, and 7 mg/L, respectively.

### **C. State and Local Authorities' Roles**

As described above, the City of Chicago has been unsuccessful in forcing the property owners to perform a cleanup of hazardous materials at the site. For this reason, Terry Sheahan of CDOE has requested U.S. EPA's assistance in performing a site removal action.

Neither the City of Chicago nor the Illinois EPA have sufficient funds to conduct removal activities at the Site. The U.S. EPA will inform CDOE and Illinois EPA of all actions proposed or taken pertaining to the site.

### **III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

The conditions at the NLP site present an imminent and substantial threat to human health, welfare and the environment and meet the criteria for a removal action as stated in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Section 300.415 (b) (2), specifically:

- a) **Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;** this factor is present at the site due to the existence of poisonous, oxidizing, ignitable, and/or corrosive substances in containers and tanks within the site. Many of the drums, pails and jars containing these substances are in poor condition and, in some instances, have corroded to such an extent that they are releasing some of their contents to the ground. Analyses of sample AST-1 that was collected from an open above-ground storage tank identified the presence of 2-butanone (93 ppm) and acetone (140 ppm); it also had a flashpoint of 126 degrees Fahrenheit.

Sample V-2 that was collected from an open vat contained methylene chloride (1,620 ppm) and exhibited a flash point of 124 degrees Fahrenheit. Sample D-1 was collected from a drum marked "sulphuric acid" and exhibited a pH of 1. Sample D-2 that was collected from a drum marked as "dirty solvents" contained 2-butanone (239,000 ppm), acetone (62,000 ppm), and toluene (276,000 ppm); it exhibited a flashpoint of 23 degrees Fahrenheit. Samples V-1, V-2, and D-2 all exceeded the TCLP lead limit of 5 mg/L, having 140mg/L, 74 mg/L, and 7 mg/L, respectively. Sample V-2 equaled the TCLP cadmium limit of 1 mg/L. Methylene chloride is a potential human carcinogen and short-term exposure causes mental confusion and acts as an anesthetic. Short-term exposure of tissue to acids and bases causes burns. Inhalation of acid mists can cause inflammation and ulceration of the respiratory tract. The Agency for Toxic Substances and Disease Registry (ATSDR) states that human exposure to high levels of lead has the same effects on the human body whether the exposure route is inhalation or ingestion. Lead adversely affects the central nervous system, especially in children. According to ATSDR, lead exposure also damages the kidneys and reproductive system. According to ATSDR, breathing air containing lower levels of cadmium over long periods of time (for years) results in a buildup of cadmium in the kidneys which, if sufficiently high, may result in kidney disease. Other adverse effects that may occur after breathing cadmium for a long period of time are lung damage and fragile bones. ATSDR lists chromium (VI) as a known human carcinogen. Further, the site is unguarded and has unsecured openings. Children have been seen playing within the site and could be exposed to spillage and organic vapors within the buildings. Vandals could cause additional release of the hazardous wastes by spilling laboratory chemicals, tipping containers or by starting a fire.

- b) **Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;** this factor is present at the site due to the existence of poisonous, oxidizing, ignitable, and/or corrosive substances within the site. Many of the drums containing these substances are in poor condition, and in some instances have corroded to such an extent that they are releasing some of their contents to the ground.
- c) **High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate;** this factor is present at the site due to the existence of paint materials and solvents in tanks and containers within the storage yard, some of which are currently spilling their contents to the soil due to corrosion.
- d) **Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;** this factor is present at the site due to the existence of corrosive and ignitable substances in corroding steel containers

and tanks in buildings and in the outdoor storage yard. Leakage from the roof has occurred in the past, particularly in buildings A, D and E and rain may blow into those areas where windows are open, increasing the chance for drum corrosion and release of drum contents. According to a CDOE inspection report dated May 6, 1998, inspectors observed that water mixed with product were flowing out of the door of the warehouse (within building A) into Green Street, as a result of the leaking roof.

e) **Threat of fire or explosion;** this factor is present at the site due to the existence of containers and tanks containing ignitable liquids which are leaking to the ground and floors within the site. Strong solvent odors were present in the air in Buildings D and E, measuring up to 2400 ppm with a PID. At the time of the site assessment, residents indicated that children regularly enter the property and were recently playing with fireworks within the site. The CFD has indicated that a fire at the site would likely spread to surrounding homes and result in a widespread neighborhood evacuation to prevent injury from the fire and resulting plume of hazardous substances.

#### **IV. ENDANGERMENT DETERMINATION**

The unsecured NLP site contains approximately 800 drums, 8,000 buckets, 6 totes, 10 compressed gas cylinders, 10,000 laboratory jars/bottles and 71 tanks of various sizes. The materials in the drums are mostly labeled as paints, waste solvents, various acids and resins. Many of the drums are rusted and leaking. Analytical results from waste sampling of drums and tanks have identified the presence of flammable liquids, chlorinated solvents, acids, bases and wastes exhibiting the RCRA lead toxicity characteristic. The laboratory contains a wide variety of incompatible chemicals within containers that are labeled as acids, bases, oxidizers and flammable liquids. Many of the containers are leaking and are stored together with no physical barriers between them to prevent co-mingling. These conditions present direct contact, inhalation and fire hazards to the surrounding residents in the community.

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

#### **V. EXEMPTION FROM STATUTORY LIMITS**

CERCLA Section 104 (c) states that removal actions can exceed the 12-month and the 2 million dollar statutory limit if conditions meet either the emergency exemption criteria or the consistency criteria. As described above, the environmental and workload conditions requiring



the exemption from the 12-month limit exist for the Site. Conditions at the National Lacquer and Paint Site also warrant the exemption from the 2 million dollar statutory exemption based on the following factors:

## EMERGENCY WAIVER

1. "There is an immediate risk to public health or welfare or the environment;"

This factor is present at the site due to the existence of poisonous, oxidizing, ignitable, and/or corrosive substances in containers and tanks within the site. Many of the drums, pails and jars containing these substances are in poor condition and, in some instances, have corroded to such an extent that they are releasing some of their contents to the ground

2. "Continued response actions are immediately required to prevent, limit, or mitigate an emergency;"

For reasons stated above, this component applies. Because of the expanded number of drums and containers identified for cleanup, the removal action will take more than 2 million dollars to complete.

3. "Assistance will not otherwise be provided on a timely basis;"

Neither state nor local agencies have any resources to complete the remaining removal actions at this Site.

## VI. PROPOSED ACTIONS AND ESTIMATED COSTS

### 1. Proposed action description

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances or contaminants at the site which may pose an imminent and substantial endangerment to public health and safety, and to the environment. These response actions do not impose a burden on the affected property disproportionate to that which the property contributes to the conditions being assessed.

The proposed immediate response action includes the following actions:

1. Prepare a Health and Safety Plan and Work Plan to address the sampling and removal of: approximately 10,000 containers (including one-ton totes, 55-gallon drums, carboys, pails, cans, laboratory bottles/jars and compressed gas cylinders), approximately 70 tanks

(including holding, mixing, dispensing, paint stripping vats, and wash pits), and spillage of waste materials to the floors and soil within the facility. The Work Plan shall also contain a sampling plan with proper Quality Assurance/Quality Control (QA/QC) and shall outline the selection of a certified lab which is in good standing;

2. Procure an environmental contractor with proper training, experience and credentials to conduct the on-site work. All contractors and personnel must be 40-hour OSHA-trained for hazardous materials management and must show certificates of their training and medical monitoring;

3. Remove debris from inside the buildings and courtyards to allow safe access to the containers and tanks;

4. Stage drums and other containers in rows by chemical compatibility with adequate space between rows to allow for inspection and sampling of each container;

5. Remove materials from all tanks for disposal and clean all residue from the tanks. If all residues cannot be removed from the tanks, then demolish the tanks for disposal;

6. Over-pack, consolidate or re-containerize all waste materials to allow for proper transportation and disposal. Label all drums and other containers with appropriate DOT labels and hazardous waste labels;

7. Remove, transport and dispose of all drums, other containers, personal protective gear, empty drums, floor sweepings, contaminated pallets, etc., in full compliance with CERCLA, RCRA and all applicable laws; and

8. Properly address any additional hazardous waste and/or materials identified during the removal action.

Waste transportation and disposal will be handled in full compliance with the Agency's Off-Site Rule 40 CFR Section 300.440, 58 Federal Register 49215 (September 22, 1993).

The removal action will be taken in a manner not inconsistent with the NCP. Provisions for post-removal site control are being planned by the OSC consistent with the provisions of Sections 300.415(k) of the NCP. It is envisioned that after implementation of this removal action, there will be no need for post-removal site control.

## REMOVAL PROJECT CEILING ESTIMATE

### EXTRAMURAL COSTS

|   |              |
|---|--------------|
| Cleanup Contractor Costs  | \$ 2,605,664 |
| Total Cleanup Contractor Costs<br>(ERRS and subcontractors for the<br>proposed time-critical removal action<br>which includes a 20% contingency). |              |

### Other Extramural Costs Not Funded from the Regional Allowance:

|   |                     |
|---|---------------------|
| Total START, including multiplier costs | \$ 257,142          |
| Subtotal, Extramural Costs              | <u>\$ 2,862,806</u> |

|                                      |                     |
|--------------------------------------|---------------------|
| <b>TOTAL REMOVAL PROJECT CEILING</b> | <b>\$ 2,862,806</b> |
|--------------------------------------|---------------------|

### **2. Contribution to remedial performance**

The proposed action will not impede future responses based upon available information. The National Lacquer and Paint site is a non-NPL site for which remedial action has not been planned, to date. The proposed removal action will address all threats meeting the NCP Section 300.415(b)(2) removal criteria as identified in Section III of this Action Memorandum.

### **3. Applicable or relevant and appropriate requirements (ARARs)**

On August 29, 2003, a letter was sent to Bruce Everetts, Illinois EPA, requesting State applicable or relevant and appropriate requirements (ARARs). Any state ARARs identified in a timely manner for this removal action will be complied with to the extent practicable.

### **4. Project schedule**

The removal action will require an estimated 120 on-site working days to complete. Stabilization or demolition of unsafe structures on the site in order to ensure the safety of workers may be needed prior to mobilizing equipment and personnel to handle the hazardous waste. Work may

then proceed on the hazardous waste clean-up. Further characterization of the site's current conditions will determine how to proceed with the remaining contaminated soil.

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

The NLP site poses a threat as it contains flammable liquids, chlorinated solvents, acids, bases, and wastes exhibiting the RCRA lead toxicity characteristic. Delayed action will allow for potential migration of contaminants from the site and increase the health risk to the adjacent population due to the potential for direct contact, inhalation, and fire.

## **VIII. OUTSTANDING POLICY ISSUES**

There are no outstanding policy issues associated with this site.

## **IX. ENFORCEMENT**

For administrative purposes, information concerning the enforcement strategy for this site is contained in an Enforcement Confidential Addendum (Attachment C).

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 \$4,096,681.

$$(2,862,806 + 111,375) + (42.38\% \times 2,862,806) = \$4,187,438.^1$$

## **X. RECOMMENDATIONS**

This decision document represents the selected removal action for the NLP site in Chicago, Illinois, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the site (Attachment D). Conditions at the site continue to meet the NCP, Section 300.415 (b) (2) criteria for a removal action and the CERCLA Section 104(c) emergency exemption, and I recommend your approval

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<sup>1</sup> Direct Costs include 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 a deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

of the proposed exemption from the \$2 million limit. The total project ceiling, if approved will be \$2,862,806. Of this, an estimated \$2,605,664 may be used for cleanup contractors cost. You may indicate your decision by signing below:

APPROVED: Wm E Myers DATE: 11/26/03  
DIRECTOR, SUPERFUND DIVISION

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
DIRECTOR, SUPERFUND DIVISION

ATTACHMENTS: A. Figures  
B. Region 5 Superfund EJ Analysis  
C. Enforcement Confidential Addendum  
D. Administrative Record Index  
E. Detailed Cleanup Contractor Cost Estimate

cc: R. Worley, U.S. EPA, HQ 5202G  
M. Chezik, U.S. Department of the Interior, Customs House, w/o Enf. Addendum  
200 Chestnut Street, Room 217, Philadelphia, PA 19106  
B. Everetts, Illinois EPA w/o Enf. Addendum  
S. Davis, Illinois DNR w/o Enf. Addendum

**BCC PAGE**

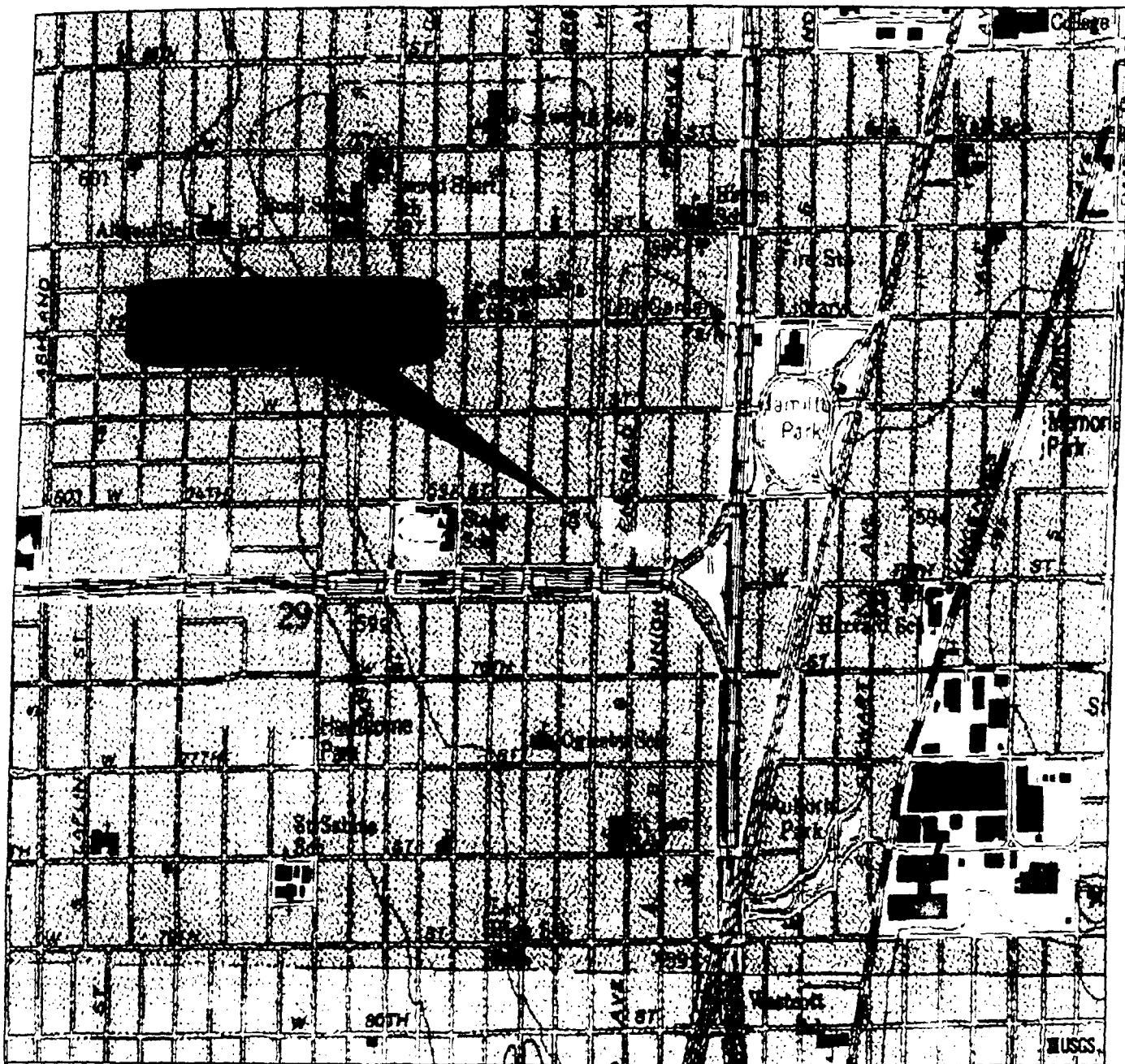
**(REDACTED 1 PAGE)**

**NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION**

## **ATTACHMENT A**

NLP SITE  
CHICAGO, ILLINOIS

### **FIGURES**



WESTON SOLUTIONS INC.

Region 5 Superfund Technical Assessment and Response Team  
20 North Wacker, Chicago IL 60606

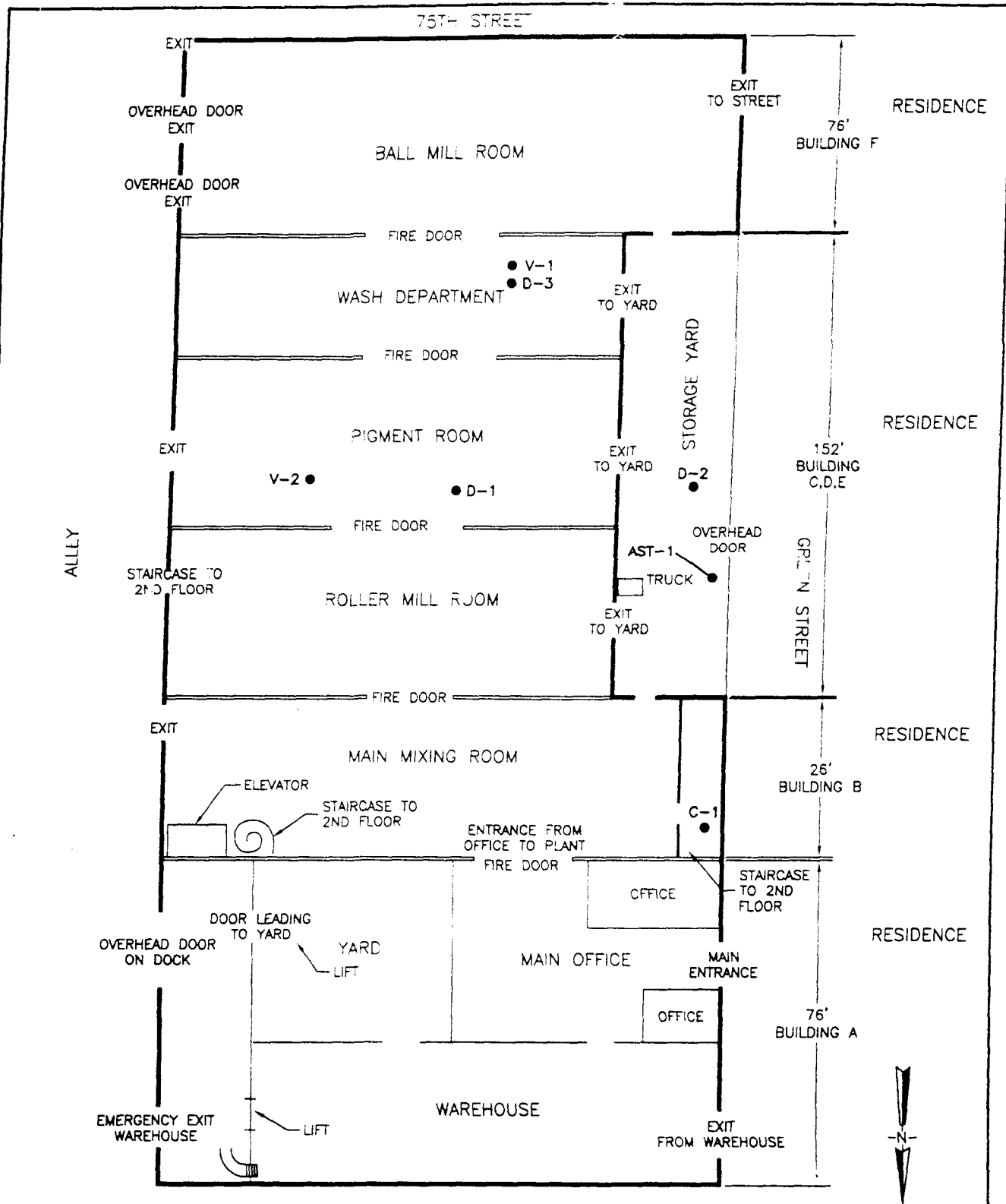
Source: USGS

|   |                         |
|---|-------------------------|
| <p>Title<br/>Topographical Site Location Map</p>  | <p>Figure<br/>1</p>     |
| <p>Site<br/>National Lacquer &amp; Paint Site</p> | <p>Scale<br/>N/A</p>    |
| <p>City<br/>Chicago</p> <p>State<br/>Illinois</p> | <p>Date<br/>8/15/03</p> |



National Lacquer and Paint (NLP) Site  
Property Parcels by PIN Number  
FIGURE 2

|            |     |
|------------|-----|
| 2029230001 | 161 |
| 2029230002 | 162 |
| 2029230003 | 163 |
| 2029230004 | 164 |
| 2029230005 | 165 |
| 026        | 166 |
| 0026       | 167 |
| 2029230008 | 168 |
| 29230009   | 169 |
| 29230009   | 170 |
| 29230010   | 171 |
| 29230010   | 172 |
| 29230011   | 173 |
| 29230011   | 174 |
| 2029230012 | 175 |
| 2029230012 | 176 |
| 2029230012 | 177 |



DATE: 8-6-03  
 REVISION: 0

FIGURE 3



750 E. Bunker Ct.  
 Suite 500  
 Vernon Hills, Illinois  
 60061

SAMPLE LOCATION MAP - FIRST FLOOR  
 U.S. EPA (REGION V)  
 NATIONAL LACQUER AND PAINT SITE  
 Chicago, Illinois

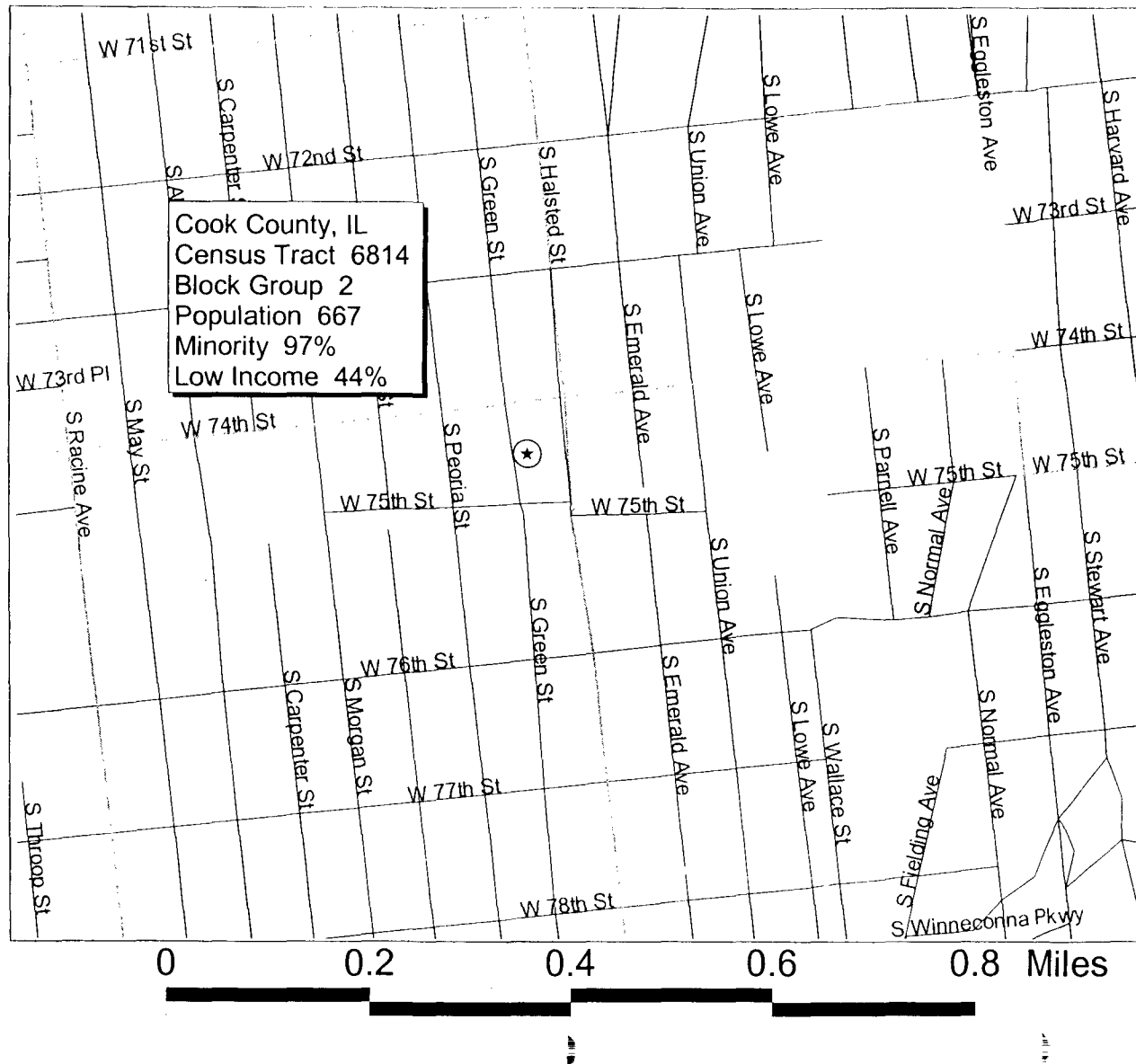
**ATTACHMENT B**

NLP SITE  
CHICAGO, ILLINOIS

**REGION 5 SUPERFUND ENVIRONMENTAL JUSTICE ANALYSIS**

# Region 5 Superfund EJ Analysis

## National Lacquer & Paint Company Chicago, IL



State of Illinois averages:  
Minority: 25%  
Low Income: 27%

U.S. EPA Region 5  
Environmental Justice Case Criteria  
for State of Illinois

Minority: 50% or greater

Low Income: 54% or greater

★ Site Location

Date of Map 8/15/03

Source of Map Census 2000 Database/  
ArcView 3.0

**ATTACHMENT C**

**ENFORCEMENT ADDENDUM**

**NATIONAL LACQUER AND PAINT COMPANY SITE  
CHICAGO, COOK COUNTY, ILLINOIS**

**ENFORCEMENT CONFIDENTIAL**  
**NOT SUBJECT TO DISCOVERY**

**(REDACTED 1 PAGE)**

**NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION**



## ATTACHMENT D

### U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

#### ADMINISTRATIVE RECORD FOR NATIONAL LACQUER AND PAINT COMPANY SITE CHICAGO, COOK COUNTY, ILLINOIS

ORIGINAL  
AUGUST 28, 2003

| <u>NO.</u> | <u>DATE</u> | <u>AUTHOR</u>   | <u>RECIPIENT</u>      | <u>TITLE/DESCRIPTION</u>  | <u>PAGES</u> |
|------------|-------------|---|-----------------------|---|--------------|
| 1          | 09/11/97    | Prudinsky, T.,<br>City of Chicago<br>Department of<br>Environment | File                  | Complaint Investigation<br>Form re: National Lacquer<br>Company, Inc.   | 3            |
| 2          | 01/21/98    | Prudinsky, T.,<br>City of Chicago<br>Department of<br>Environment | File                  | Narrative Inspection Re-<br>port re: National Lacquer<br>Company, Inc.  | 2            |
| 3          | 01/27/98    | Prudinsky, T.,<br>City of Chicago<br>Department of<br>Environment | File                  | Narrative Inspection Re-<br>port re: National Lacquer<br>Company, inc.  | 2            |
| 4          | 05/06/98    | Prudinsky, T.,<br>City of Chicago<br>Department of<br>Environment | File                  | Narrative Inspection Re-<br>port re: National Lacquer<br>Company, Inc.  | 3            |
| 5          | 04/14/02    | Adesanya, E.,<br>City of Chicago<br>Department of<br>Environment  | File                  | Narrative Evaluation Re-<br>port re: the National<br>Lacquer and Paint Company<br>Site w/Attachments  | 37           |
| 6          | 09/05/03    | Weston<br>Solutions,<br>Inc.                                      | U.S. EPA              | Site Assessment Report<br>for the National Lacquer<br>& Paint Site  | 159          |
| 7          | 08/28/03    | Gebien, C.,<br>U.S. EPA   | Muno, W.,<br>U.S. EPA | Action Memorandum:<br>Determination of a Need<br>to Conduct a Time-Critical<br>Removal Action at the<br>National Lacquer and Paint<br>Company Site (PORTIONS OF<br>THIS DOCUMENT HAVE BEEN RE-<br>DACTED) | 21           |

UPDATE #1  
NOVEMBER 18, 2003

|   |          |   |                       |  |
|---|----------|---|-----------------------|--|
| 1 | 00/00/00 | Gebien, C.,<br>T. Cook &<br>S. Borries,<br>U.S. EPA | Muno, W.,<br>U.S. EPA | Action Memorandum:<br>Request for a CERCLA<br>Removal Action Exemption<br>to the \$2 Million Stat-<br>utory Limit for the<br>Time-Critical Removal<br>Action at the National<br>Lacquer and Paint Company<br>Site ( <b>PENDING</b> ) |
|---|----------|---|-----------------------|--|

**ATTACHMENT E**  
**DETAILED CLEANUP CONTRACTOR ESTIMATE**  
**NATIONAL LACQUER AND PAINT SITE**  
**CHICAGO, COOK COUNTY, ILLINOIS**

|                                    |                        |
|------------------------------------|------------------------|
| Personnel                          | \$ 650,000             |
| Equipment                          | 350,000                |
| Other Direct Cost                  | <u>1,171,387</u>       |
| <br>SUB TOTAL                      | <br>\$2,171,387        |
| <br>Contractor Contingency: 20.00% | <br><u>\$434,277</u>   |
| <br><b>TOTAL ERRS COSTS</b>        | <br><b>\$2,605,664</b> |