

**REGION 5**

CHICAGO, IL 60604

November 14, 2025

MEMORANDUM

SUBJECT: **ACTION MEMORANDUM** - Request for Approval and Funding of a Time-Critical Removal Action and Exemption from the \$2 million Statutory Limit at the Morton Avenue Warehouse Site, Evansville, Vanderburgh County, Indiana (Site ID # D560)

FROM: Corey Peaslee, On-Scene Coordinator (OSC)
Emergency Response Branch 2/Emergency Response Section 4

THRU: Shelly Lam, Manager
Emergency Response Branch 2

TO: Michael D. Harris, Director
Superfund & Emergency Management Division

I. PURPOSE

The purpose of this Action Memorandum is to request and document your approval, including an exemption from the \$2 million statutory limit, to expend up to \$7,302,000 to conduct a time-critical removal action at the Morton Avenue Warehouse Site (the Site), located at 119 N Morton Avenue and several adjacent associated parcels in Evansville, Vanderburgh County, Indiana (Figure 1).

The time-critical removal action proposed herein is necessary to mitigate threats to public health, welfare, and the environment posed by the release of uncontrolled hazardous substances, pollutants or contaminants at the Site. The Site is located on approximately 18.8 acres of land and consists of roughly 420,000 square feet of fire damaged property contaminated with large amounts of damaged friable asbestos containing materials (ACM) in debris piles with the potential to migrate off-site. The Site is in a mixed residential/industrial area with several single-family homes located in proximity. Asbestos in its friable form is a hazardous substance, as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

EPA is conducting this removal action in accordance with Section 104(a)(1) of 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 threats posed to public health and/or the environment.

The uncontrolled conditions of the hazardous substances present at the Site require that this action be classified as a time-critical removal action. The project will require approximately 120 on-site working days to complete. The Site is not on the National Priorities List (NPL).

Proposed actions include preparation of a Sampling and Analysis Plan, a Quality Assurance Project Plan (QAPP), a Site-Specific Health and Safety Plan (HASP), an Emergency Contingency Plan, collection of samples for disposal characterization of suspected hazardous substances, and transportation and disposal of hazardous substances containing materials off-site. This work would also include a further site characterization element to determine if other CERCLA hazardous substances or other pollutants or contaminants are present on the Site and if those substances pose an actual or potential threat of release to human health or the environment.

II. SITE CONDITIONS AND BACKGROUND

SEMS ID#: INN 000 521 996
Site ID#: D560
State ID: 0001138
Category: Time-Critical Removal
Site Address: 119 N Morton Ave, Evansville, Vanderburgh County, Indiana

A. Site Description

The former Morton Avenue Warehouse operated in a variety of capacities from the early 20th century onward in various levels of industry. The property was initially created as a production facility for the Hercules Buggy Co manufacturing vehicle bodies for commercial use, becoming the largest buggy company by 1921. By 1924 several offices had been added to the property and much of the facility was purchased by the National Electrical Productions Corporation, shortly after renamed Servel Inc. Servel Inc. manufactured continuous absorption refrigerators that used ammonia and operated throughout the mid-1950s. During World War II, the facility aided in the war effort from 1942 to 1945, producing wings for P-47 Thunderbolt aircraft, ammunition shell casings, anti-tank mines, and other materials used for the war.

In the mid-1950s, CenterPoint Energy purchased property or business interests from Servel Inc. and operated at one of the parcels of the Site between 1972 to 1977. In 1961, Staff Industrial Development Corporation purchased a separate parcel of the Site from Servel Inc., before selling it to Morton Warehousing LLC in 1986. However, primary documentation and purchase agreements suggest that Servel Inc. and its subsidiaries were not previous owners of the Site. From the late 1950s to mid-1970s, Whirlpool Inc., a likely successor company to Servel Inc., owned parcels at the Site. Several transformers at the Site were determined to be owned by Whirlpool Corporation (Whirlpool). The Whirlpool parcels then came into possession of Morton Warehousing LLC between 1986 and 1988 and have been under its ownership as of 2025. While ownership during the 1970s and 1980s is unclear, the Site is currently entirely owned by Morton Warehousing LLC as of 2025 according to the Vanderburgh

County Assessor. Morton Warehousing LLC operated as a general storage facility, but was left vacant since at least the early 2020's.

On October 17, 2022, a fire occurred from within the warehouse buildings and damaged all structures located within the five parcels. The Evansville Fire Department investigated the Site after the fire, discovered several damaged transformers, and reported them to the Indiana Department of Environmental Management (IDEM) for further assessment. Investigations by IDEM in January 2023 identified potentially polychlorinated biphenyl (PCB)-containing oils leaking from the damaged transformers, several of which were owned by Whirlpool.

Fire debris and partially destroyed structures remain on-site. In February 2025, IDEM requested EPA assistance in investigating the potential on-site ACM and conducting further site assessment activities.

1. Removal site evaluation

EPA conducted two sampling events in April and June of 2025¹ and confirmed the presence of friable asbestos at greater than 1% concentrations in multiple material types found throughout the Site. ACM is considered a CERCLA hazardous substance if the percentage of asbestos is greater than one percent, or as deemed by site conditions. ACM must also pose an actual or potential threat of release to the environment, in situations where the ACM is or may become friable. PCBs in quantities greater than 50 parts per million (ppm) are present on Site within storm sewer catch basins, which exceeds the Toxic Substances Control Act (TSCA) regulatory level for PCBs.

Asbestos Sampling

Asbestos sample locations were identified and collected by a certified asbestos inspector during the April 2025 sampling event. Samples were analyzed for ACM using polarizing light microscopy (PLM) per the EPA 600/R-93/116 Method, and five samples were determined to contain friable asbestos ranging from 15% to 65% chrysotile, two of these samples also contained 10% amosite.

EPA and START conducted a categorization of suspected ACMs at the site in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) at 40 CFR, Parts 61.141 and 61.145. ACMs were classified under one of the categories summarized as follows:

- Friable ACM is any material that contains more than one percent asbestos by weight or area, depending on whether it is a bulk or sheet material and can be crumbled, pulverized, or reduced to powder by the pressure of an ordinary human hand.
- Category I Non-Friable ACM is defined as ACM packing, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent asbestos. Generally, Category I building materials would not create an airborne release of asbestos fibers during normal demolition activities. However, the debris at the site is the result of improper demolition, and scrapping

¹ See Administrative Record #4 Removal Site Evaluation Report 105 – Revision 1 – Morton Avenue Warehouse

activity thereby creating Regulated ACM.

- Category II Non-Friable ACM is defined as any material, excluding Category I non-friable ACM, containing more than one-percent asbestos that, when dry, cannot be crumbled, pulverized, or reduced to a powder by hand pressure. An example of this ACM is asbestos cement board. Generally, Category II building materials would create an airborne release of asbestos fibers during normal demolition activities.
- Regulated ACM (RACM) is defined as (1) friable ACM; (2) Category I Non-Friable ACM that has become friable; (3) Category I Non-Friable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading; or (4) Category II Non-Friable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by forces expected to act on the material in the course of demolition or renovation operations regulated under Subpart 61.141 of 40 CFR, Part 61 (NESHAP Revision; Final Rule).
- All ACM samples in the table below are present on the Site and meet the definitions for RACM.

Sample ID	Description	Asbestos %
MAW-BA-B4-02-20250422	Gray Insulation	Chrysotile 65%
MAW-BA-B4-03-20250422	Gray-Brown Insulation	Chrysotile 25%, Amosite 10%
MAW-BA-B6-03-20250422	Gray-Brown Insulation	Chrysotile 25%, Amosite 10%
MAW-BA-B7-02-20250422	Dark brown felt	Chrysotile 15%
MAW-BA-B8-01-20250422	Black/gray cementitious material	Chrysotile 20%

PCB Sampling

Samples were collected in two open storm drains located on the Site and were composed of water and sediment samples. Samples were collected using EPA SW-846 Method 8082. One sample exceeded the 50 ppm regulatory limit set under TSCA, as well as exceeding the CERCLA removal management level (RML) of 99 ppm in industrial soils for Aroclor 1260. The table below includes the two samples taken from storm sewer where the exceedance was detected.

Sample ID	Primary PCBs Present	Sample Results*
MAW-SED-SDW-20250610	Aroclor 1260	900 ppm
MAW-SED-SDE-20250610 - DUP	Aroclor 1260	1,200 ppm

*Sample results above 50 ppm exceed TSCA regulatory levels

2. Physical location

The Site comprises approximately 18.8 acres at and about 119 N Morton Avenue, Evansville, Vanderburgh County, Indiana (Figure 1). The Site is bordered to the north and west by the C and E I rail line and residential neighborhoods across E Franklin St and N Morton Ave respectively, with a public bus stop on the immediate northeast corner of the Site; to the east, by several industrial facilities and a non-profit organization; to the south, by the Sou rail line and additional industrial operations. The geographic coordinates at the center of the Site are 37.978842 degrees north latitude and 87.553039 degrees west longitude.

3. Site Characteristics

The Site is an 18.8-acre former industrial property in a mixed residential/industrial area. There is a school approximately 0.4 miles northwest of the Site, in addition to several childcare facilities within a half mile. Homes are located to the west and north and are downwind of the Site much of the time. The Site is not fenced, and there is evidence of trespassing and squatters on the Site. Trespassers appear to frequently enter the Site to scavenge metals and brick from the demolished structures.

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

Analysis of Site sampling data found that hazardous substances, as defined by Section 101(14) of CERCLA, 42 U.S.C. §9601(14), and 40 CFR § 302.4, including but not limited to friable asbestos and PCBs have been released to the environment.

Chrysotile and amosite as friable asbestos are the primary hazardous substances that were detected throughout the Site, in the form of roofing materials and thermal insulation. Friable asbestos fibers can become airborne and migrate outside the building footprint and off-site or may be disturbed by the illegal scrapping or trespassing activities occurring on-site. Friable asbestos is a CERCLA hazardous substance.

PCBs are considered a TSCA hazardous chemical and therefore a CERCLA hazardous substance and were detected in storm drain sediments on-site. Previous cleanup work was conducted by Whirlpool Inc under an Indiana Department of Environmental Management (IDEM) order to remove transformers containing PCB oil on-site in 2023, however this work was limited to the transformer areas and the immediate surrounding soils. The report generated by the contractors for Whirlpool indicated that not all the transformer housings had been discovered and removed, and evidence of the migration of PCBs into storm drain sediments indicate that PCB impacted soil run off is reaching the sewers.

5. NPL Status

The Site is not currently on the NPL, has not been proposed for the NPL, or received a Hazardous Ranking System rating. EPA does not anticipate referring the Site to the NPL site assessment program.

6. Maps, pictures, and other graphic representations

Figure 1: Site Location Map

Figure 2: Sample Location Map

B. Other Actions to Date

1. Previous actions

On October 17, 2022, a fire occurred from within the warehouse buildings and damaged all structures located within the five parcels. The Evansville Fire Department investigated the Site after the fire, discovered several damaged transformers, and reported them to IDEM for further assessment. Investigations by IDEM in January 2023 identified potentially PCB-containing oils leaking from the damaged transformers, several of which were owned by Whirlpool.

Between August and September 2023, Whirlpool's contractor Environmental Resources Management (ERM) led removal and disposal activities at the Site, prioritizing soil and concrete sampling and characterization, ACM abatement of the transformer buildings, and transformer demolition and removal. Prior to removal of the transformers, a visual inspection of each building was conducted and suspected ACM was observed in the window glazing and roofing materials of the former transformer buildings in the central and eastern portions of the Site.

During these activities, three bags of ACM waste and bulk PCB remediation waste were removed. Approximately 1,138 tons of concrete, brick, steel, soil and potentially PCB-contaminated debris, along with two 55-gallon drums of liquid, were transported off-site for disposal. Demarcation barriers were installed under all excavation areas. Based on the removal report, 223 soil and concrete samples were collected from the former locations of six transformers onsite and analyzed for PCBs using SW-846 Method 8082A (ERM 2023). Results indicated that the highest concentration of PCBs in concrete was 410 ppm, and the highest concentration of PCBs in soil was 13,000 ppm. Thirteen soil samples exceeded IDEM Published Levels (IDEM PLs) for individual Aroclor 1260; 39 samples exceeded IDEM Commercial and Industrial Direct Contact (CIDC) PLs for Aroclor 1260; 45 samples exceeded IDEM R2 Residential Direct Contact (RDC) PLs for Aroclor 1260; and one sample exceeded IDEM R2 Excavation Worker Direct Contact (EWDC) for Aroclor 1254.

Whirlpool was discovered to have owned several of the transformers located on parcels 82-06-20-024-105.001-029 and Parcel 82-06-20-024-105.002-029, and completed cleanup in August and September 2023 on the transformer buildings and what remained of the transformers. This removal action addressed the known transformer locations on those two parcels, however more former transformer housings may exist on Site, covered by debris, or on the other parcels not included in Whirlpool's removal action.

As of the date of this action memo, debris from the fire and partially destroyed structures remain on-site. In February 2025, IDEM requested EPA assistance in investigating the potential on-site ACM and conducting further site assessment activities.

2. Current actions

In April and June of 2025, EPA conducted a Removal Site Evaluation (RSE) to assess the Site. Additionally, EPA further delineated the extent of asbestos contamination and identified PCB impacted storm sewer sediments present on-site. For further details, please see Section II.A.1., above.

C. State and Local Authorities' Roles

1. State and local actions to date

On October 17, 2022, the Evansville and Henderson Fire Departments responded to a large warehouse fire at the Site. The fire was contained within approximately five hours, however, firefighting activities continued over 24 hours to address hot spots that arose. During the response, fire crews used excavators to clear debris and bring down several precariously standing walls in order to access the hot spots, and to protect the firefighters from falling debris.

The City of Evansville (the City) and the Evansville Police Department have been coordinating with EPA on site access due to potential trespassers.

IDEM conducted a site inspection in January of 2023 and identified potentially PCB-containing oils leaking from the damaged transformers and identified the owner of the transformers. During the removal action conducted by the potentially responsible party (PRP), several PCB-containing transformer housings were removed, in addition to friable asbestos discovered during the removal. In February of 2025, IDEM referred the Site to EPA to conduct an RSE and possible removal action.

2. Potential for continued state/local response

Based on currently available information, neither the City of Evansville, nor the State of Indiana have the funds or resources to address Site conditions. See the Enforcement Addendum for further information.

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

EPA's assessment indicated that Site conditions present an imminent and substantial threat to the public health, or welfare, and the environment and meet the criteria for a time-critical removal action as provided for in 40 C.F.R. § 300.415(b)(1), based on factors in § 300.415(b)(2) of the NCP. These factors include, but are not limited to, the following:

§ 300.415(b)(2)(i) - Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.

Sampling results from the EPA RSE show the presence of friable asbestos both on and outside the remaining buildings and in demolition debris scattered across the Site. The assessment demonstrates there is a high potential for an asbestos release to the environment. The Site is just south of a residential neighborhood, with a public bus stop of the immediate northeast of the Site.

ACM found on the ground in the piles of demolition debris was determined to be friable. Additional ACM could become friable, as the material continues to become damaged due to trespassing, weathering and the overall continuing degradation of the property. Given the inadequately secured nature of the Site and exposure of friable ACM to the environment, exposure to nearby residents is very likely to occur.

Asbestos is designated as a hazardous substance under CERCLA at 40 C.F.R. § 302.4. According to the Agency for Toxic Substances and Disease Registry (ATSDR) Asbestos exposure is a health concern because individuals can breathe in the fibers and “some of the fibers will be deposited in the air passages and on the cells that make up your lungs” (ATSDR, 2001)². Many fibers are expelled quickly; however, ones that are deposited into the deep part of lungs will take longer to be removed.

People exposed to asbestos can develop asbestosis, which can lead to shortness of breath and a cough. Asbestosis “can eventually lead to disability or death in people exposed to high amounts of asbestos over a long period”, and exposure to asbestos can lead to lung cancer and mesothelioma which ATSDR asserts “lung cancer is usually fatal, while mesothelioma is almost always fatal”.

PCBs were detected on-site in the storm sewer catch basin sediment and may be present in the soil where the undiscovered transformer housings were located. These storm sewers may outfall to the Ohio River approximately 1.35 miles to the southwest. The assessment demonstrates there has been a release of PCBs to the environment. This material may migrate due to adverse weather events such as rain or snow or be disturbed and spread through trespassing and scrapping activities. Wildlife in the food chain within the Ohio River may be exposed to high levels of PCBs.

Pregnant women exposed to high levels of PCBs may have “babies that weighed slightly less than babies from women who did not have exposure” and “babies... [with] abnormal responses of tests in infant behavior.” Individuals exposed to high levels of PCBs are most likely develop “skin conditions such as acne or rashes” (ATSDR, 2000)³, and the “Department of Health and Human Services has concluded that PCBs may reasonably be considered a carcinogen.”

The Site is inadequately secured, with no fencing or barriers to prevent trespassing. Trespassing has been documented on the property and trespassers continue to easily enter the property. Such

² See administrative record #1 – ATSDR Fact Sheet regarding Asbestos CAS # 1332-21-4

³ See Administrative record #2 – ATSDR ToxFAQs Fact Sheet – Polychlorinated Biphenyls

trespassers may be exposed to hazardous substances, pollutants, or contaminants.

§ 300.415(b)(2)(v) - Weather conditions that may cause hazardous substances, pollutants, or contaminants to migrate or be released;

Asbestos, both inside the dilapidated Site buildings and in debris piles outside, is exposed to the environment. Many of the remaining Site structures that were not demolished are experiencing a slow but persistent collapse, constantly increasing the likelihood that the asbestos within those structures will be released to the environment. The Site Assessment documented that due to the damage from the fire and ensuing response, asbestos has already migrated and released into the environment.

Evansville, Indiana averages approximately 45 inches of rain annually, compared to the annual national average of 38 inches. Many communities adjacent to the Ohio River have experienced flooding in the past several years, including Evansville. The Site may experience weather conditions that could cause friable asbestos and PCBs present to migrate and release off-site via wind or rain. ACM observed during the Site evaluations may present a threat to the public health or welfare or the environment, through migration as windblown particles or suspended in rainwater runoff. Evidence of PCBs in the storm sewer catch basins may indicate that some of these substances may have migrated off-site previously and could do so in the future.

§ 300.415(b)(2)(vii) - The availability of other appropriate federal and state response mechanisms to respond to the release;

There are no other Federal or State response mechanisms to address actual and potential releases at the Site. IDEM referred the Site to EPA in February 2025⁴ because the City of Evansville, Vanderburgh County, and the State of Indiana do not have the funds or resources at this time to respond to a time-critical removal action of this magnitude.

IV. ENDANGERMENT DETERMINATION

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

V. EXEMPTION FROM STATUTORY LIMITS

Section 104(c) of CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA), limits a Federal response action to \$2 million unless response actions meet emergency and/or consistency exemptions. Based on cost accounting at other asbestos removal sites and the significant

⁴ See Administrative Record #3 Letter via Email Fw: Morton Ave. Warehouse Referral

amount of contaminated debris, the total cost is expected to exceed \$2 million.

Site conditions warrant the \$2 million exemption based on the emergency exemption.

Emergency Exemption:

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

Friable asbestos in debris represent an immediate risk to public health. See the “Removal Site Evaluation” section above (Section II.A.1). A large majority of the Site is covered by ACM debris, which may migrate off-site by weather, or by trespassers tracking debris off-site. Additionally, direct exposure may occur to trespassers or workers, that encounter the materials at the partially secured Site. The highest concentration of asbestos in Site debris pieces was 65% chrysotile.

Likewise, PCBs are present in concentrations >50 ppm within the storm sewer and potentially soils on the Site. There is evidence of potential migration of PCBs into the storm sewer by weather conditions, as well as the potential for spreading of contaminants to neighboring areas by trespassers.

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

Friable asbestos in Site debris and PCBs present on-site constitute an imminent threat to human health, as documented above. Continued response actions are required immediately, to mitigate nearby residents’ exposure to hazardous substances through air pathways. The response actions will prevent, limit and mitigate threats to human health.

C. Assistance will not otherwise be provided on a timely basis.

IDEM referred the Site to EPA on December 5, 2024, in an email stating that the presence of asbestos and PCB-containing transformers on-site presents a significant exposure concern. IDEM and the City of Evansville do not currently have the ability to address the Site. Without a time-critical removal action by EPA, the community will not have assistance on a timely basis.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The response actions described in this Action Memorandum directly address actual or potential releases of hazardous substances at the Site, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment. Removal activities on-Site will include:

- a) Developing and implementing a Site Health and Safety Plan, a Site Emergency Contingency Plan, and an Air Monitoring & Sampling Plan;
- b) Securing the site perimeter with fencing as needed;
- c) Establishing and implementing an ACM debris management plan, including appropriate control mechanisms (e.g., wetting) and air monitoring;
- d) Conduct additional site characterization to determine the extent and scope of PCB contamination on the site in soils and the sewer.
- e) Conducting structural integrity assessments and addressing any unsafe conditions to ensure worker safety, as necessary;
- f) Removing and disposing of structures as necessary to safely access areas that may contain hazardous substances;
- g) Characterizing and segregating, if possible, ACM waste from non-ACM debris;
- h) Establishing and maintaining staging and stockpile area(s), as necessary;
- i) Loading, transporting and disposing of ACM, or identified hazardous substances, pollutants, ACM-impacted wastes, or contaminants at an EPA-approved disposal facility in accordance with the EPA Off-site Rule (40 C.F.R. § 300.440);
- j) Characterizing and disposing of PCB-contaminated sediments, and identifying and disposing of any other PCB impacted matrices above RML;
- k) Controlling site run-off to prevent migration of potentially contaminated material off-site;
- l) Decontaminating the Site and equipment, including concrete pads;
- m) Performing visual confirmation, and/or confirmatory sampling, of excavated areas to ensure hazardous substances have been removed; and
- n) Taking any necessary response actions 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 public health, or the environment.

The response action proposed herein will mitigate Site threats by properly identifying, consolidating, and packaging hazardous substances, pollutants, or contaminants on-site, which will then be removed and ultimately disposed of off-site. This response action will be conducted in accordance with Section 104(a)(1) of CERCLA, 42 U.S.C. § 9604(a)(1) and Section 300.415 of the NCP, 40 C.F.R. § 300.415, to

abate or eliminate the immediate threat posed to public health and/or the environment by the presence of the hazardous substances. No uncontrolled hazardous substances are expected to remain at the Site once the removal action is completed.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has determined that post-removal site controls (PRSCs) consistent with the provisions of the NCP at 40 C.F.R. § 300.415(l) will not be required, as the removal of hazardous substances is expected to eliminate the need for post-removal site control.

2. Contribution to remedial performance

The proposed action will not impede future actions based on available information. However, no further long-term remedial actions are anticipated once the proposed removal action is completed for this Site.

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

40 C.F.R. 300.415(a)(4) does not require an EE/CA when less than a six-month planning period exists before the on-site response must be initiated

4. Applicable or relevant and appropriate requirements (ARARs)

Applicable or relevant and appropriate requirements (ARAR) of Federal and State law identified in a timely manner will be complied with to the extent practicable considering the exigencies of the situation.

Federal

Federal ARARs for the site include:

- a. NESHAP at 40 C.F.R. § 61, Subparts A and M is applicable.
- b. 49 C.F.R. Parts 171 and 172 address requirements for transportation of asbestos waste, including waste containment and shipping papers.
- c. 49 U.S.C. § 5101 et seq. regulates the transportation of hazardous waste and hazardous substances by aircraft, railcars, vessels, and motor vehicles; and
- d. 15 U.S.C. § 2601 et seq., TSCA, which addresses the use and disposal of specific chemicals, including asbestos, PCBs, and lead-based paint.

While it is not an ARAR, all hazardous substances, pollutants, or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal will be treated, stored, or disposed of at a facility in compliance, as the EPA determines, with the Off-Site Rule, 40 C.F.R. § 300.440.

State

EPA sent a request for ARARs to IDEM on July 29, 2025. IDEM sent EPA a response identifying that there were no other applicable ARARs on the same day. EPA will comply with all Indiana ARARs that may be identified to the extent practicable during this removal action⁵.

5. Project schedule

The removal activities identified in this Action Memorandum are expected to require approximately 120 on-site working days to complete.

B. Estimated Costs

REMOVAL ACTION PROJECT CEILING ESTIMATE (all costs rounded to the nearest thousand)	
<u>Extramural Costs:</u>	
<u>Regional Removal Allowance Costs:</u>	\$5,587,000
Total Cleanup Contractor Allowance Costs	
<u>Other Extramural Costs Not Funded from the Regional Allowance:</u>	
Total START, including multiplier costs	\$498,000
Subtotal Extramural Costs	\$6,085,000
Extramural Costs Contingency (20% of Subtotal)	\$1,217,000
TOTAL REMOVAL ACTION PROJECT CEILING	\$7,302,000

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

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

Given Site conditions, the nature of the hazardous substances on-site, the potential exposure pathways to nearby populations described in Sections II, III, and IV above, and the actual or threatened release of

⁵ See Administrative Record #5 – Letter via Email Regarding: Removal Site Evaluation Report for Morton Avenue Warehouse

hazardous substances from the Site, failing to take or delaying action may present an imminent and substantial endangerment to public health, welfare, or the environment.

VIII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues for this Site.

IX. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential 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 \$11,131,000⁶.

$$(\$7,302,000 + \$99,000) + (50.40\% \times \$7,401,000) = \$11,131,000$$

$$(\text{Total Removal Project Costs} + \text{U.S. EPA Personnel Costs}) + (\text{Indirect Rate} \times \text{Total of First Parenthetic}) = \text{total EPA costs eligible for cost recovery}$$

X. RECOMMENDATION

This decision document represents the selected removal action for the Morton Avenue Warehouse Site, Vanderburgh County, Indiana. This document has been 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 (see Attachment 3). Conditions at the Site meet the NCP § 300.415(b) criteria for a time-critical removal action, and the CERCLA section 104(c) emergency exemption from the \$2 million statutory limitation, and I recommend your approval.

The total removal project ceiling, if approved, will be \$7,302,000. Of this, an estimated \$6,804,000 may be used for the cleanup contractor costs. I recommend your approval of the proposed removal action by signing below.

⁶ 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-judgement 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.

11/14/2025

APPROVE:

X Michael D. Harris

Michael D. Harris, Director
Superfund & Emergency Management Division
Signed by: Environmental Protection Agency

DISAPPROVE:

X

Michael D. Harris, Director
Superfund & Emergency Management Divisi...

Figures:

Figure 1: Site Location Map

Figure 2: Sample Location Map

Attachments:

- 1: Detailed Cleanup Contractor Estimate
- 2: Independent Government Cost Estimate (IGCE)
- 3: Administrative Record Index

cc: S. Ridenour, U.S. EPA, 5104A, (Ridenour.Steve@epa.gov)
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OF REMOVAL ACTION

ENFORCEMENT ADDENDUM

HAS BEEN REDACTED

THREE PAGES

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NOT SUBJECT TO DISCOVERY FOIA
EXEMPT**

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

FIGURE 1

SITE LOCATION MAP

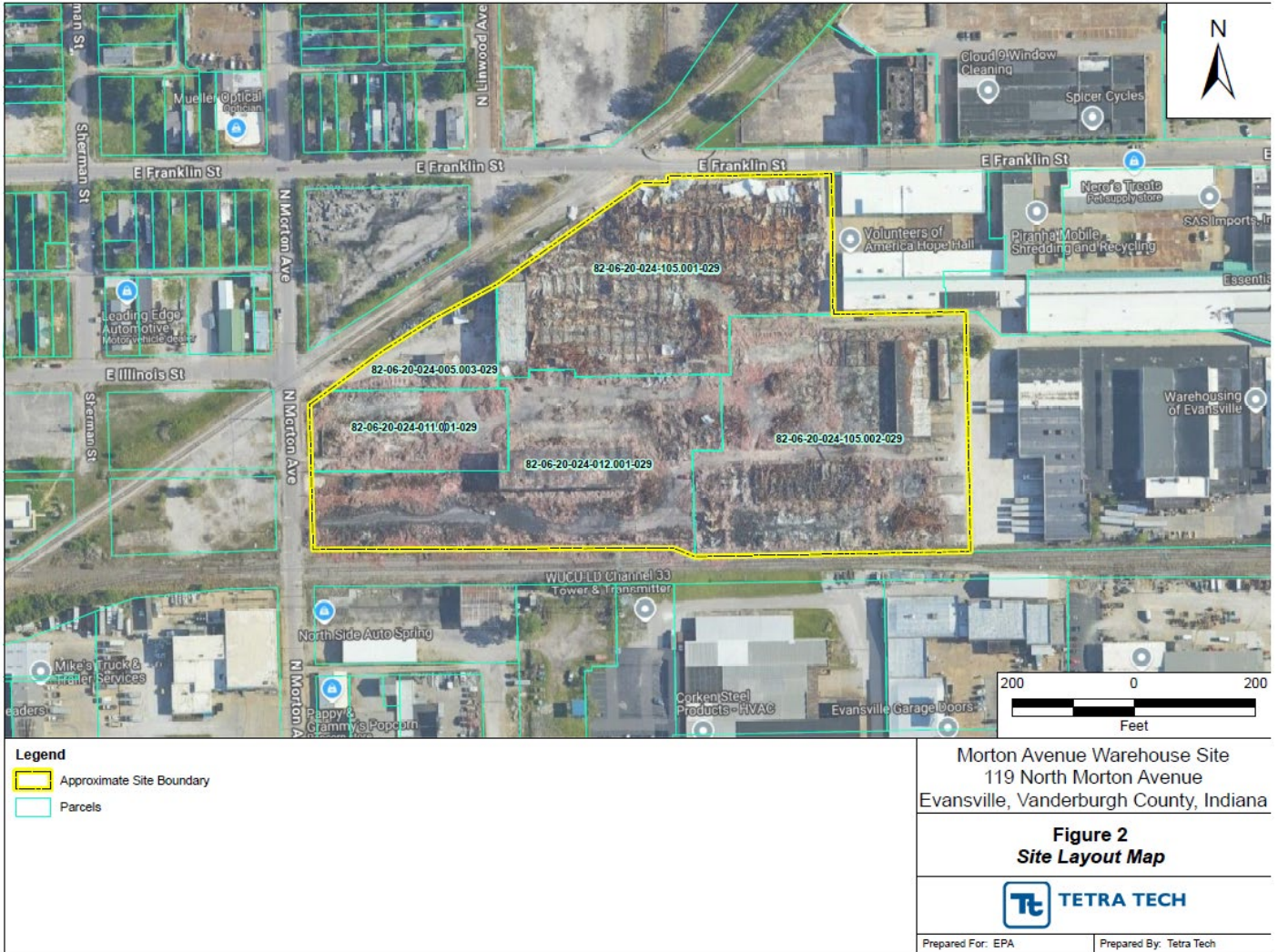
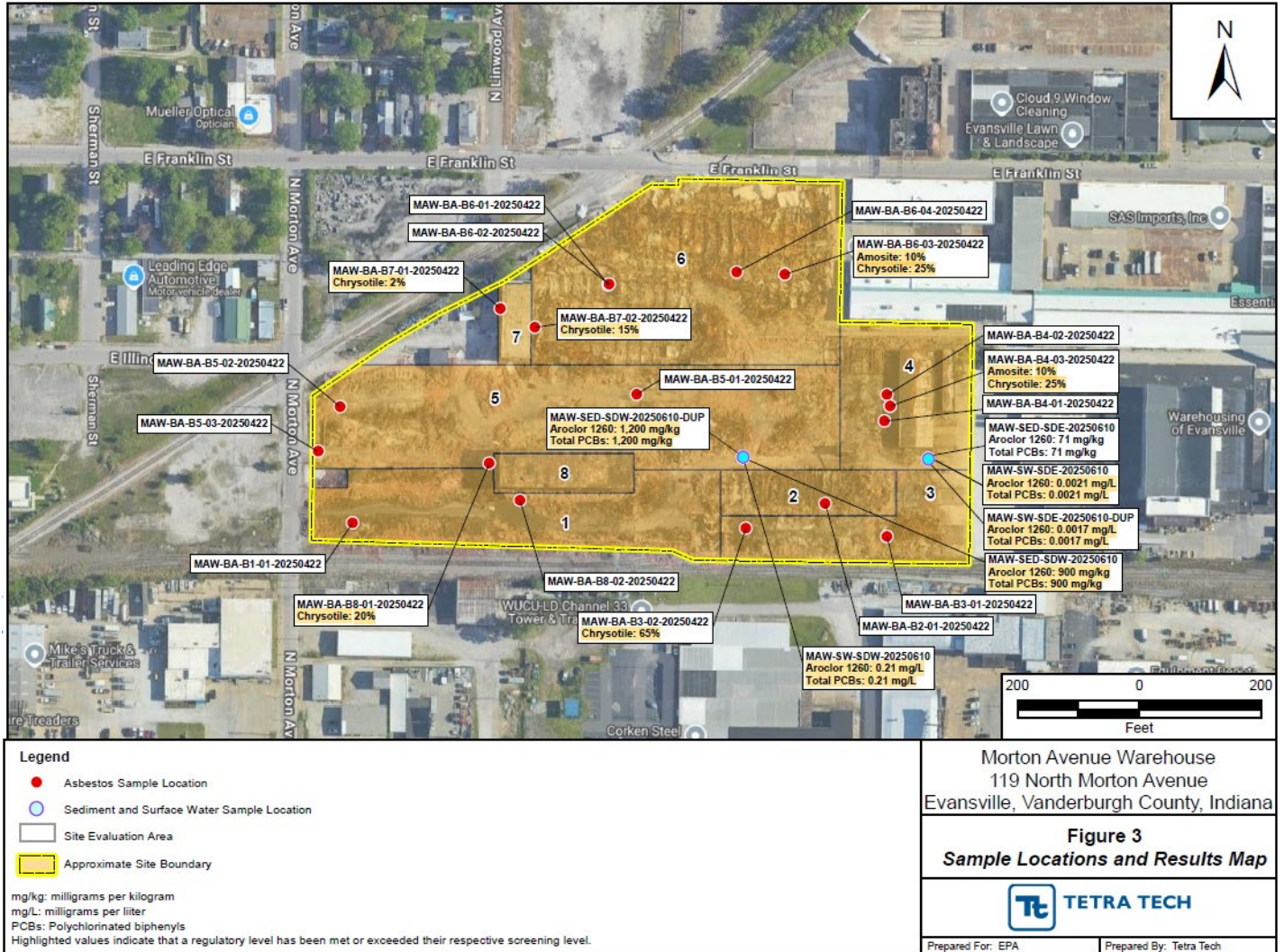


FIGURE 2

SMAPLE RESULT MAP



ATTACHMENT 1

DETAILED CLEANUP

**CONTRACTOR COSTS
ESTIMATE**

HAS BEEN REDACTED

ONE PAGE

NOT RELEVANT TO

SELECTION OF

REMOVAL ACTION

ATTACHMENT 2

**INDEPENDENT GOVERNMENT COST
ESTIMATE HAS BEEN REDACTED**

FOUR PAGES

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

**U.S. ENVIRONMENTAL PROTECTION
AGENCY**

REMOVAL ACTION

**ADMINISTRATIVE RECORD
FOR THE
MORTON AVENUE WAREHOUSE SITE
EVANSVILLE, VANDERBURGH COUNTY, INDIANA**

**ORIGINAL
SEPTEMBER, 2025
SEMS ID:**

<u>NO.</u>	<u>SEMS ID</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	975873	9/1/01	ATSDR	General Public	ATSDR - Fact Sheet Regarding: Asbestos CAS # 1332-21-4	2
2	935945	7/1/14	ATSDR	General Public	ATSDR ToxFAQs Fact Sheet - Polychlorinated Biphenyls	2
3	701206	12/5/24	Lippert, J., U.S. EPA	Peaslee, C., U.S. EPA	Letter via Email Fw: Morton Ave. Warehouse Referral	2
4	701207	7/25/25	Liang B., Tetra Tech, Inc.	Peaslee, C., U.S. EPA	Removal Site Evaluation Report - Revision 1 - Morton Avenue Warehouse Evansville, Vanderburgh County, Indiana Document Tracking Number: 250025044-005	105
5	701208	8/1/25	Monroe, N., IDEM	Peaslee, C., U.S. EPA	Letter Via Email Regarding: Removal Site Evaluation Report for Morton Avenue Warehouse	2
6	****	****	****	****	Action Memorandum - (<i>Pending</i>)	****

