



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

US EPA RECORDS CENTER REGION 5



494964

MEMORANDUM

REPLY TO THE ATTENTION OF:

**SUBJECT:** ACTION MEMORANDUM - Request for Approval and Funding for a Time-Critical Removal Action at the New Castle Asbestos Site, New Castle, Henry County, Indiana (Site ID #C5T1)

**FROM:** Anita L. Boseman, On-Scene Coordinator *ALB*  
Emergency Response Branch 2  
Emergency Response Section 4

**THRU:** Samuel Borries, Chief *Sam Borries*  
Emergency Response Branch 2

**TO:** Douglas Ballotti, Acting Director  
Superfund Division

**I. PURPOSE**

The purpose of this Action Memorandum is to document the determination of an imminent and substantial threat to public health, welfare and the environment posed by the presence of uncontrolled hazardous waste, and to request and document your approval to expend up to \$1,372,000 to conduct a time-critical removal action at the New Castle Asbestos Site, (the "Site") located at 1112 South 25<sup>th</sup> Street, New Castle, Henry County, Indiana 47362.

The response actions proposed herein are necessary to mitigate the threats to public health, welfare and the environment posed by the presence of uncontrolled asbestos waste abandoned in several waste piles located on the Site. The United States Environmental Protection Agency's (EPA) On-Scene Coordinator (OSC) has documented the presence of friable asbestos, asbestos containing material (ACM), and regulated asbestos containing material (RACM) at the Site during the Site Assessment on May 7-8, 2013.

The proposed time-critical removal action will mitigate the threats from asbestos by securing, sampling, and arranging for disposal of asbestos and asbestos debris left at the Site.

This time-critical removal action will be conducted in accordance with Section 104(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(a), and 40 C.F.R. § 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to abate or eliminate the immediate threats posed to public health, welfare 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 45 on-Site working days to complete.

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

CERCLIS ID # INN 000 510 990

Category: Time-Critical Removal Action

### **A. Site Description**

#### **1. Removal Site evaluation**

The New Castle Asbestos Site is located at 1112 South 25<sup>th</sup> Street, New Castle, Henry County, Indiana 47362. The Site was the location of several manufacturers of asbestos containing brake linings. In November, 2006, a Phase I Environmental Site Assessment (ESA) was completed at the Site for Double Dabble Development LLC (DDD). According to the Phase I ESA, the 1949 Sanborn Fire Insurance Map depicted the Site as the location of the World Bestos Corporation, Division of Firestone Industrial Products, Division of Firestone Tire & Rubber Company (manufacturers of brake linings). The ESA also states that the Toxic Release Inventory System Database lists or identifies the Site as releasing asbestos.

On Thursday, April 19, 2012, according to the Courier Times Newspaper, a large fire took place inside a vacant building on the property because of illegal scrapping. As a result of the fire, the building was demolished and demolition debris was left in piles on the property (See Administrative Record Index No. 3 for details).

In February, 2013, the EPA Brownfields Program (Brownfields) received an email message from the Indiana Office of Community and Rural Affairs (OCRA) regarding the City of New Castle's (the "City") efforts on a potential Brownfields project. OCRA provided the City with information to make an informed decision on how to proceed with redevelopment/reuse of the property. OCRA reached out to Brownfields and provided the information regarding the property's former uses, the ensuing fire damage and property ownership. Based on this information, Brownfields contacted the Removal Program to request a removal assessment.

On April 4, 2013, EPA OSC Anita L. Boseman met with representatives of the New Castle/Henry County Indiana Economic Development Corporation to conduct a Site reconnaissance. During the Site reconnaissance, EPA observed numerous tires and several piles of weathered building debris. The property is fenced, however there is no functioning gate thereby allowing easy access to the property.

On May 1, 2013, Steven Morehead signed a Consent for Access to the Property with EPA to enter and have continued access to the property to perform a Site assessment. On May 7-8, 2013, EPA and START performed a Site assessment to determine if asbestos was present at the Site. EPA collected samples from 22 large piles of debris for laboratory analysis. EPA documented the presence of ACM and RACM both non-friable and friable commingled with the demolition debris at the Site.

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

- Category I Non-Friable ACM is defined as ACM packing, gaskets, resilient floor covering, and asphalt roofing products containing more than 1-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 a fire thereby creating Regulated ACM.
- Category II Non-Friable ACM is defined as any material, excluding Category I non-friable ACM, containing more than 1-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).

### Asbestos Sampling Results

| Debris Pile                         | Material Description  | Asbestos Components | Classification |
|-------------------------------------|-----------------------|---------------------|----------------|
| 3, 4, 8, 11, 12, 16, 17, 18, 20, 21 | Asphalt roofing       | Chrysotile 20-25%   | Category I     |
| 22                                  | Asphalt roofing       | Chrysotile 20-25%   | RACM           |
| 9                                   | Asphalt roofing       | Chrysotile 1-5%     | Category I     |
| 5                                   | Brake parts           | Chrysotile 20-25%   | Category I     |
| 8                                   | Corrugated paper      | Chrysotile 10-15%   | RACM           |
| 11                                  | Blue floor tile       | Chrysotile 1-5%     | Category I     |
| 15, 16                              | Red floor material    | Chrysotile 5-10%    | Category I     |
| 15                                  | Gray floor tile       | Chrysotile 5-10%    | Category I     |
| 16                                  | Red floor tile mastic | Chrysotile 1-5%     | Category I     |
| 19, 20, 21, 22                      | TranSite              | Chrysotile 20-25%   | RACM           |
| 21                                  | Charred debris        | Chrysotile 1-5%     | RACM           |

Also, EPA collected 14 asbestos air samples, eight stationary, four personal and two field blanks for laboratory analysis using phase contrast microscopy (PCM) and transmission electron microscopy (TEM).

- All eight stationary asbestos air samples PCM results were below the detection limit of 0.0008 fibers per cubic centimeter (f/cc). Also, all eight samples were below the detection limit of 0.0027 structures per cubic centimeter (s/cc) using TEM.

- Two of the four personal asbestos air samples PCM results contained 0.0052 f/cc and 0.0055 f/cc, which do not exceed the OSHA Permissible Exposure Limit (PEL) of 0.1 f/cc. TEM detected that none of the fibers were asbestos.

## **2. Physical Location**

The Site is located at 1112 South 25<sup>th</sup> Street New Castle, Henry County, Indiana. (See Figure 1). The geographic coordinates of the Site are 39° 55' 12.48" North latitude and 85° 21' 07.91" West longitude. The Site is in a mixed residential, commercial, and light industrial area. The Site encompasses approximately 9.34 acres and once contained a manufacturing facility (the main building measuring approximately 100,000 square feet) with a concrete floor. The northern and western portions of the Site are asphalt covered. This area was previously used as employee and semi-trailer parking areas. The Site is bordered to the North by D Avenue, E Avenue, and commercial/residential properties; to the South by a railroad line and further South by residential properties; to the East by agricultural property; and to the West by 25th Street and further West by residential properties.

A chain-link fence surrounds the Site, however, there are breaches at several locations and no gate. The section of plastic fence that blocks the Site entrance could easily be removed or bypassed for Site access. Illegal scrapping of salvageable scrap metal is ongoing; there is evidence of trespassers attempting to segregate small quantities of scrap metal from the debris piles.

## **3. Site Characteristics and History**

The Site consists of 9.34 acres and has 22 piles of debris of which at least 5 have RACM.

Firestone Industrial Products Company, Inc. and The Firestone Tire & Rubber Company operated as a brake pad manufacturing facility from sometime prior to 1970 until January 6, 1976. Asbestos was commonly used in the manufacture of automotive products including clutches, gaskets, hood liners and brake pads until the late 1970s. The OSC observed fragments of brake parts in the debris piles during the Site assessment.

Stealth Boat Corporation operated at the Site as a boat repair and manufacturing facility from April 9, 2003 to October 12, 2007. Double Dabble Development (DDD) operated at the Site from October 12, 2007 until October 30, 2012. DDD ceased operations at the Site after a fire occurred in April 2012, during that time Morehead ownership purchased the property through a tax sale.

According to a September 21, 2012 Indiana Department of Environmental Management (IDEM) Notification of Demolition and Renovation Operations, DDD was scheduled to demolish the building between May 1, 2012 and June 2, 2012. The debris piles are a result of the building demolition.

The City of New Castle's Redevelopment Commission (NCRDC) recently acquired the property on March 20, 2015. At this time, it is unclear as to whether the NCRDC received the property due to tax forfeiture or land purchase.

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

EPA documented the presence of hazardous substances and pollutants during its May 7 and 8, 2013, Site Assessment activities. EPA confirmed the presence of friable asbestos, ACM and RACM, both hazardous substances. As described in Section III below, the asbestos is open to the environment and the wind is likely causing migration of the friable asbestos.

EPA is concerned that unsecured hazardous substances, pollutants and/or contaminants, present in deteriorating debris piles at the Site is being released to the environment and potentially coming into contact with the nearby human population.

#### **5. NPL Status**

The removal involves nationally significant and precedent-setting issues because the primary hazardous substance addressed by the removal is asbestos-containing materials. The Site is neither on nor proposed for the National Priority List.

#### **6. Maps, pictures and other graphic representations**

- Figure 1: Site Location Map
- Figure 2: Site Layout Map
- Figure 3: Site Photo Log

#### **7. Environmental Justice Analysis**

An Environmental Justice (EJ) analysis for the Site was conducted. Screening of the surrounding area used Region 5's EJ Screen Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT). Region 5 has reviewed environmental and demographic data for the area surrounding the Site at 1112 South 25<sup>th</sup> Street, New Castle, Henry County, Indiana and determined there is a low potential for EJ concerns at this location.

#### **B. Other Actions to Date**

##### **1. Previous actions**

This Action Memo documents previous investigation and enforcement actions in the Site Conditions and Background section above.

##### **2. Current actions**

In 2013, Henry County, Indiana and the City of New Castle, Indiana contacted the EPA Brownfields Programs regarding a Brownfields Grant for the Site. The EPA Brownfields requested EPA Superfund to perform a removal assessment at the Site.

On May 1, 2013, Steve Morehead, signed a consent for access to the property.

On May 7-8, 2013, EPA OSC Anita L. Boseman and the EPA START contractor completed a removal Site assessment and prepared a Site Assessment Report. The debris piles are still present at the Site. The tires at the Site were removed by Morehead ownership. The City of New Castle is proposing geological sampling at the Site in an area away from the debris piles (See Administrative Record Index Nos. 12 and 16).

On May 28, 2014, NCRDC voted to expend up to \$10,000 to perform an assessment at the Site in an effect to rehabilitate the property themselves. Morehead ownership had failed to pay the property taxes and was scheduled to appear in court on June 20, 2014.

On September 19, 2014, Kermida Incorporated submitted a Phase I Environmental Site Assessment to IceMiller, LLP, legal counsel to the NCRDC. Kermida recommended that the identified ACM be properly removed and disposed, in addition to collection and analysis of surficial soil to ensure the surrounding soil has not been impacted with asbestos fibers.

In November, 2014, EPA had a conference call with NCRDC & their legal counsel, IceMiller LLP, to discuss a removal action at the Site. NCRDC were still considering performing the cleanup themselves. Moreover, NCRDC was concerned about EPA considering them as a PRP and/or placing a lien on the property, if EPA performed the cleanup. Moreover, Henry County was applying for a Brownfields Grant. Therefore, NCRDC would not consent EPA access to the property to perform a removal action.

In 2015, EPA selected Henry County for a Brownfields Assessment Coalition Grant. The Community-wide hazardous substances grant funds of \$300,000 will be used to perform up to six Phase I and up to eight Phase II environmental Site assessments, and prepare up to two cleanup plans. The Community-wide petroleum grant funds of \$200,000 will be used to perform five Phase I and seven Phase II environmental Site assessments, and prepare up to two cleanup plans. Grant funds of both types also will be used to maintain the coalition's brownfields inventory and conduct community outreach activities. Coalition partners are the City of New Castle and the Town of Middletown. The grant is for environmental assessment only. Therefore, it cannot be used for any form of cleanup actions.

Subsequently, Superfund continued to move forward for a removal action at the Site.

March 20, 2015, the NCRDC acquired the property.

In January 2016, Henry County requested grant funds for use at the Site, they titled "Former Federal Mogul Site". The grant cannot be used for any form of cleanup action. Moreover, the Site is being considered for a Superfund removal action. Therefore, Brownfields denied their request.

On February 2, 2016, City of New Castle's legal counsel informed EPA that after considering options and unfortunately due to lack of adequate funding sources to complete the activities on their own, the City must defer to US EPA to conduct the ACM removal activities.

On February 9, 2016, New Castle, Indiana Redevelopment Commission signed the consent for access to the property. On February 10, 2016, EPA received the access agreement from the Angela Krahulik, IceMiller Legal Counsel for the City of New Castle.

### **C. State and Local Authorities Role**

#### **1. State and local actions to date**

February, 2013, Indiana OCRA reached out to Brownfields regarding the City's efforts regarding the property and potential requests for Brownfields assistance.

February 28, 2013, IDEM Site Investigation Program informed Brownfields, that they have no plans to look at this Site.

March 20, 2015, the NCRDC acquired the property. NCRDC voted to hire Kermida Incorporated to conduct a limited environmental Site investigation to determine the potential soil and groundwater impacts of various substances used at the 9.3-acre location.

#### **2. Potential for continued State/local response**

February 28, 2013, the IDEM Site Investigation Program informed Brownfields that their program does not intend to further evaluate this Site. In February, 2013, ORCA contacted Brownfields regarding the City of New Castle's efforts regarding a potential Brownfield Grant. EPA informed Henry County that while a removal action is being conducted at the Site, they could not receive grant funds for the Site.

On February 2, 2016, City of New Castle's legal counsel informed EPA that after considering options and unfortunately due to lack of adequate funding sources to complete the activities on their own, the City must defer to US EPA to conduct the ACM removal activities.

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

The conditions at the New Castle Asbestos Site present an imminent and substantial threat to the public health, welfare and the environment, and meet the criteria for a time-critical removal action provided for in the NCP, 40 C.F.R. § 300.415(b)(2). These criteria include, but are not limited to, the following:

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

The Site is bordered by residential properties. There are several breaches in the fence around the Site. The gate to the Site is merely a plastic contractor fence that can be easily removed allowing access to the Site.

Sampling results document the presence of asbestos within the debris piles at the Site. Category I ACMs identified within the fire-damaged portion of the building are classified as RACM because they were subjected to fire, subsequently rendering the fire-damaged Category I ACM into a friable condition.

EPA identified RACMs in Debris Piles 8, 19, 20, 21, and 22 in the form of transite fragments, corrugated paper, and fire-damaged ACM. Transite when undamaged is classified as a Category

II non-Friable ACM. However, undamaged transite is reclassified as RACM once the material has become damaged or crumbled. By definition, RACMs are not friable in their original state, but require removal before normal demolition activities to prevent releasing airborne asbestos fibers that can create an inhalation threat.

In 40 CFR §302.4: Designation of hazardous substances; (a) Listed hazardous substances stated “the elements and compounds and hazardous wastes appearing in table 302.4 are designated as hazardous substances under Section 102(a) of the Act.” The Act refers to CERCLA. Asbestos is listed in the table. Therefore, asbestos is a hazardous substances.

Asbestos is of potential concern because chronic inhalation exposure to excessive levels of asbestos fibers suspended in air can result in lung diseases such as asbestosis, mesothelioma, and lung cancer. Sub-acute exposures as short as a few days are shown to cause mesothelioma. The ACMs identified within the fire damaged area and the RACMs identified have a potential to render asbestos fibers airborne that can create an inhalation threat.

There are currently no signs or other deterrents to warn the public of the potential asbestos hazards at the Site. Site access is unrestricted, and trespassers entering the Site could be exposed to airborne asbestos fibers or come in direct contact with damaged ACM. The very close proximity of residences, just across the street from the Site, increases the likelihood of potential risks to the public health or welfare or the environment to an ongoing release.

**v. Weather conditions that may cause hazardous substances, pollutants, or contaminants to migrate or be released;**

Weather conditions could contribute to the deterioration and potential subsequent release of asbestos fibers into the environment. The building was destroyed in a fire that took place in 2012. So, debris piles are a result of the 2013 building demolition allowing the ACM exposure to the elements; snow, wind and rain. Moreover, based on the damaged condition and presence of ACM within the debris piles observed during the Site assessment, the debris at the Site may present a potential threat to the public health or welfare or the environment through migration as windblown particles or suspended in rainwater water runoff.

**vi. Threat of fire or explosion;**

Site assessment results indicate that no waste materials at the Site are hazardous based on the characteristic of ignitability. However, the Site is not secure, and the demolition debris is accessible to trespassers who could inadvertently start a fire. A fire at the Site would potentially release asbestos from the smoke plume into the surrounding residential community.

**vii. The availability of other appropriate federal and state response mechanisms to respond to the release;**

No other federal or state response mechanism is available to respond in a timely manner. The City of New Castle lacks the financial resources to perform the necessary response actions. IDEMs Site Investigation Program informed Brownfields, they have no plans to look at this Site. In February 2013, ORCA contacted Brownfields regarding the City of New Castle’s efforts regarding potential Brownfields Grant. In 2015, EPA selected Henry County for a Brownfields



Assessment Coalition Grant. However, in 2016, Brownfields denied a request to use the grant at the New Castle Asbestos Site, since the grant cannot be used to perform a cleanup. In addition, the previous owner owes approximately \$8,000 in unpaid taxes. (See Administrative Index No. 13).

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

Given the conditions at the Site, the nature of the confirmed hazardous substances, and the potential exposure 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 actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

#### **V. PROPOSED ACTIONS AND ESTIMATED COSTS**

##### **A. Proposed Actions**

##### **1. Proposed action description**

The response actions described in this memorandum directly address actual or potential releases of hazardous substances on Site, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment. The OSC proposes to undertake the following time-critical removal actions to mitigate threats posed by the presence of hazardous substances, pollutants, or contaminants at the Site:

- a) Develop and implement a Site-Specific Health and Safety Plan, with a Perimeter Air Sampling Plan, including measures to control ACM dust during the removal action and signs warning of potential exposure to hazardous substances, including but not limited to ACM;
- b) Develop and implement a Site Emergency Contingency Plan;
- c) Develop and implement a Site Work Plan including Site Security Plan;
- d) Load, transport, and dispose of 6,000 tons of readily identifiable ACM wastes, debris piles and pits at an EPA-approved disposal facility in accordance with EPA's Off-Site Rule (40 CFR § 300.440);
- e) Decontaminate concrete pads using vacuum equipment and low-pressure washing, as necessary, and appropriately collect and dispose of decontamination water;
- f) Decontaminate heavy equipment as necessary, and appropriately collect and dispose of decontamination water;
- g) Take any necessary response action to address any release or threatened release of a hazardous substance, pollutant or contaminant that the EPA OSC determines

may pose an imminent and substantial endangerment to public health, or the environment.

This removal action will be conducted in a manner not inconsistent with the NCP.

The threats posed by the asbestos containing debris meet the criteria listed in Section 300.415(b)(2) of the NCP and the response actions proposed herein are consistent with any long-term remedial actions which may be required. Moreover, removal of asbestos will greatly minimize subsequent requirements for post-removal Site controls.

#### 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 determined by EPA, with the EPA's 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/Off-Site Rule**

EPA will comply with all applicable, relevant, and appropriate requirements (ARARs) of Federal and state laws to the extent practicable, considering the exigencies of the circumstances.

#### Federal

- National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 61, Subparts A and M, apply to the removal of asbestos and ACM.
- 49 U.S.C. § 5101 et seq. regulates the transportation of hazardous waste and hazardous substances by aircraft, railcars, vessels, and motor vehicles. It is applicable if hazardous materials are transported to or from a Site.

#### State

On August 13, 2014, EPA via electronic mail requested Rex Osborn of IDEM Federal Programs Section to identify any State of Indiana ARARs which may apply to this Site. On August 22, 2014, IDEM emailed a letter to EPA identifying the following three action specific State ARARs, based on EPA's transportation of ACM for treatment, storage and/or disposal at a facility in compliance, as determined by EPA with the U.S. EPA Off-Site Rule: 1) 326 IAC14-10, Emission Standards for Asbestos; Demolition and Renovation Operations, 2) 326 IAC 18-1, Asbestos Management Personnel; Licensing, and 3) 40CFR, Part 61, Subpart M-National Emission Standards for Asbestos.

## 5. Project Schedule

The removal activities identified in this memorandum are expected to require 45 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 of hazardous substances, pollutants, or of contaminants, which may pose an imminent and substantial endangerment to public health, welfare, or the environment. 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 1 and the Independent Government Cost Estimate is presented in Attachment 2. Estimated project costs are summarized below:

| REMOVAL ACTION PROJECT CEILING ESTIMATE   |                       |
|---|-----------------------|
| <b><u>Extramural Costs:</u></b>   |                       |
| <b><u>Regional Removal Allowance Costs:</u></b>   |                       |
| Total Cleanup Contractor Costs  | \$1,053,000.00        |
| (This cost category includes estimates for ERRS, subcontractors, Notices to Proceed, and Interagency Agreements with Other Federal Agencies. Include a 15% contingency) |                       |
| <b><u>Other Extramural Costs Not Funded from the Regional Allowance:</u></b>  |                       |
| Total START, including multiplier costs   | \$90,000.00           |
| Total Decontamination, Analytical & Tech. Services (DATS)   | \$ 0                  |
| Total CLP   | \$ 0                  |
| Subtotal  | \$ 0                  |
| Subtotal Extramural Costs   | \$1,143,000.00        |
| Extramural Costs Contingency (20%)<br>(20% of Subtotal, Extramural Costs rounded to nearest thousand)   | \$229,000.00          |
| <b>TOTAL REMOVAL ACTION PROJECT CEILING</b>   | <b>\$1,372,000.00</b> |

These activities will require an estimated 45 working days to complete.

## VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NO ACTION TAKEN

Delayed or no action at the New Castle Asbestos Site, a former asbestos containing brake lining manufacturing company that as a result of a fire has ACM in open debris piles, poses ongoing exposure and increases the potential for the off-Site migration of hazardous wastes and

hazardous substances documented to be present at the Site and thereby threatening the public health or welfare of nearby residents and other persons whom are in close proximity to the Site and the environment. In addition, if EPA takes no action, it is likely the hazardous wastes will be removed and disposed of improperly should it remain at the Site.

## **VII. OUTSTANDING POLICY ISSUES**

The removal involves nationally significant and precedent-setting issues because the primary hazardous substance addressed by the removal is asbestos-containing materials.

In compliance with the *Framework for Investigating Asbestos-Contaminated Superfund Sites* (Framework), EPA implemented the following step-by-step approach outlined in the Framework to investigate and characterize the potential for human exposure from asbestos contamination at the Site.

Step 1 – Review historical and current data – EPA reviewed Site records where ACM was previously identified by previous sampling investigations.

Step 2 – Has there been (or is there a threat of) a release to the environment? – EPA documented a release of ACM to the environment during the May 2013 Site Assessment. For Sites where EPA does not document a release, the Framework prescribes additional steps to further characterize potential exposure. However, where EPA documents a release, the Framework allows for a response action without further characterization.

## **VIII. ENFORCEMENT**

For administrative purposes, information concerning the enforcement strategy for this Site is contained in an 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 \$2,461,458.<sup>1</sup>

$$(\$1,372,000.00 + \$30,000) + (77.22\% \times 1,372,000.00) = \$2,461,458.00$$

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<sup>1</sup> 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.

**IX. RECOMMENDATION**

This decision document represents the selected removal action for the New Castle Asbestos Site located 1112 South 25<sup>th</sup> Street in New Castle, Henry 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). The Site meets the NCP criteria for a time-critical removal action in 40 C.F.R. § 300.415 (b), and I recommend your approval of the proposed removal action.

The total estimated project ceiling, if approved, will be \$1,372,000.00. Of this, an estimated \$1,282,000 may be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVE:  DATE: 7/6/16  
Superfund Division Director

DISAPPROVE: \_\_\_\_\_ DATE: \_\_\_\_\_  
Superfund Division Director

Enforcement Confidential Addendum

Figures:

1. Site Location Map
2. Site Layout Map
3. Photo Log

Attachments:

1. Detailed Cleanup Contractor Estimate
2. Independent Government Cost Estimate
3. Administrative Record Index
4. Environmental Justice Analysis

cc: B. Schlieger, U.S. EPA 5202 G (email: Brian.Schlieger@DC/USEPA/US)  
L. Nelson, U.S. DOI, **w/o Enf. Addendum** (email: Lindy\_Nelson@ios.doi.gov)  
R. Osborn, IDEM, **w/o Enf. Addendum**, (email: ROSBORN@idem.IN.gov)  
H. Atkinson, IDEM, **w/o Enf. Addendum**, (e-mail: HATKINSO@idem.IN.gov)

**BCC PAGE HAS BEEN REDACTED**

**NOT RELEVANT TO SELECTION  
OF REMOVAL ACTION**

**ENFORCEMENT ADDENDUM**

**HAS BEEN REDACTED – SEVEN PAGES**

**ENFORCEMENT CONFIDENTIAL**

**NOT SUBJECT TO DISCOVERY**

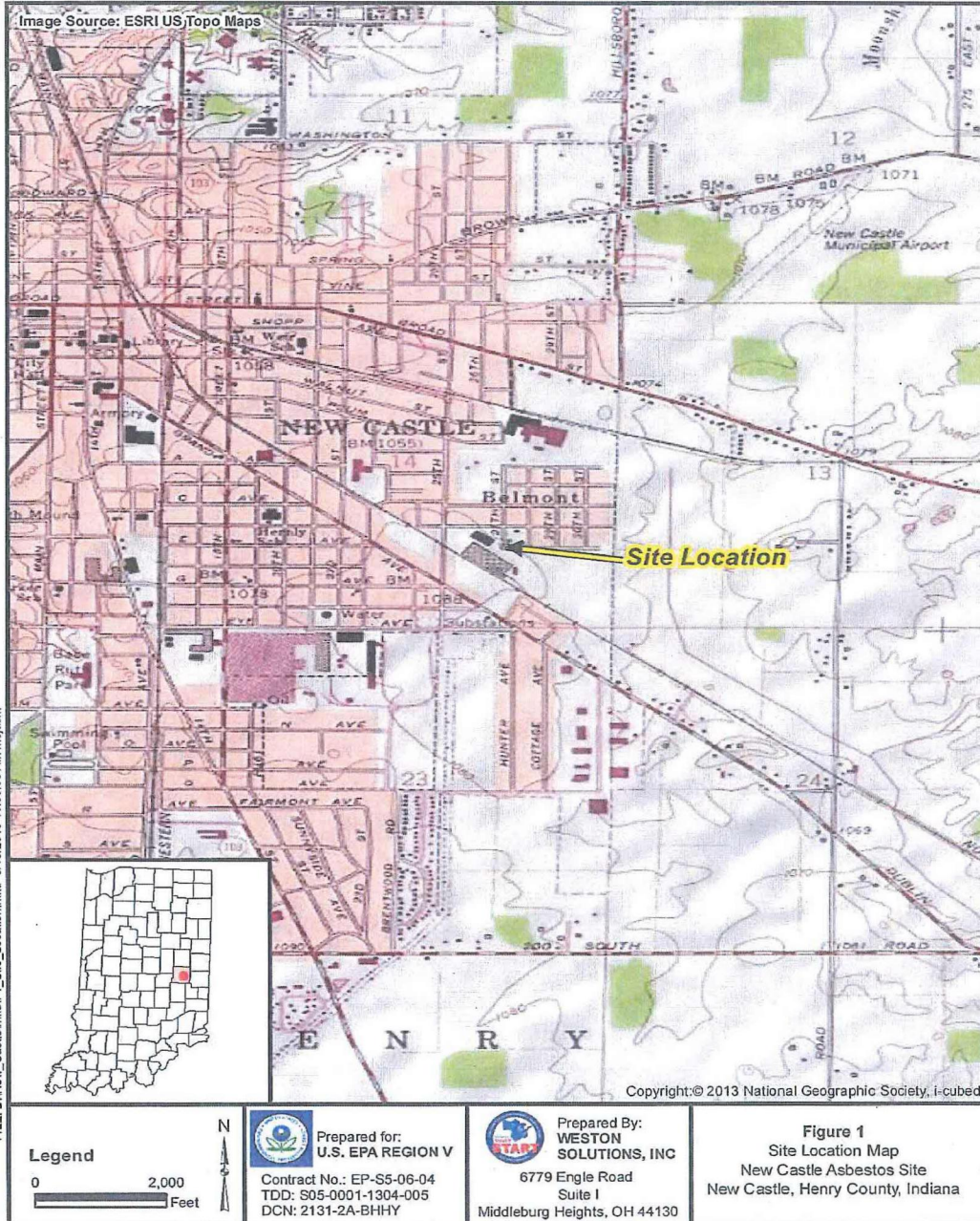
**FOIA EXEMPT**

**NOT RELEVANT TO SELECTION**

**OF REMOVAL ACTION**

**FIGURE 1**

**SITE LOCATION MAP**  
**New Castle Asbestos Site**  
**New Castle, Henry County, Indiana**  
**April 2015**

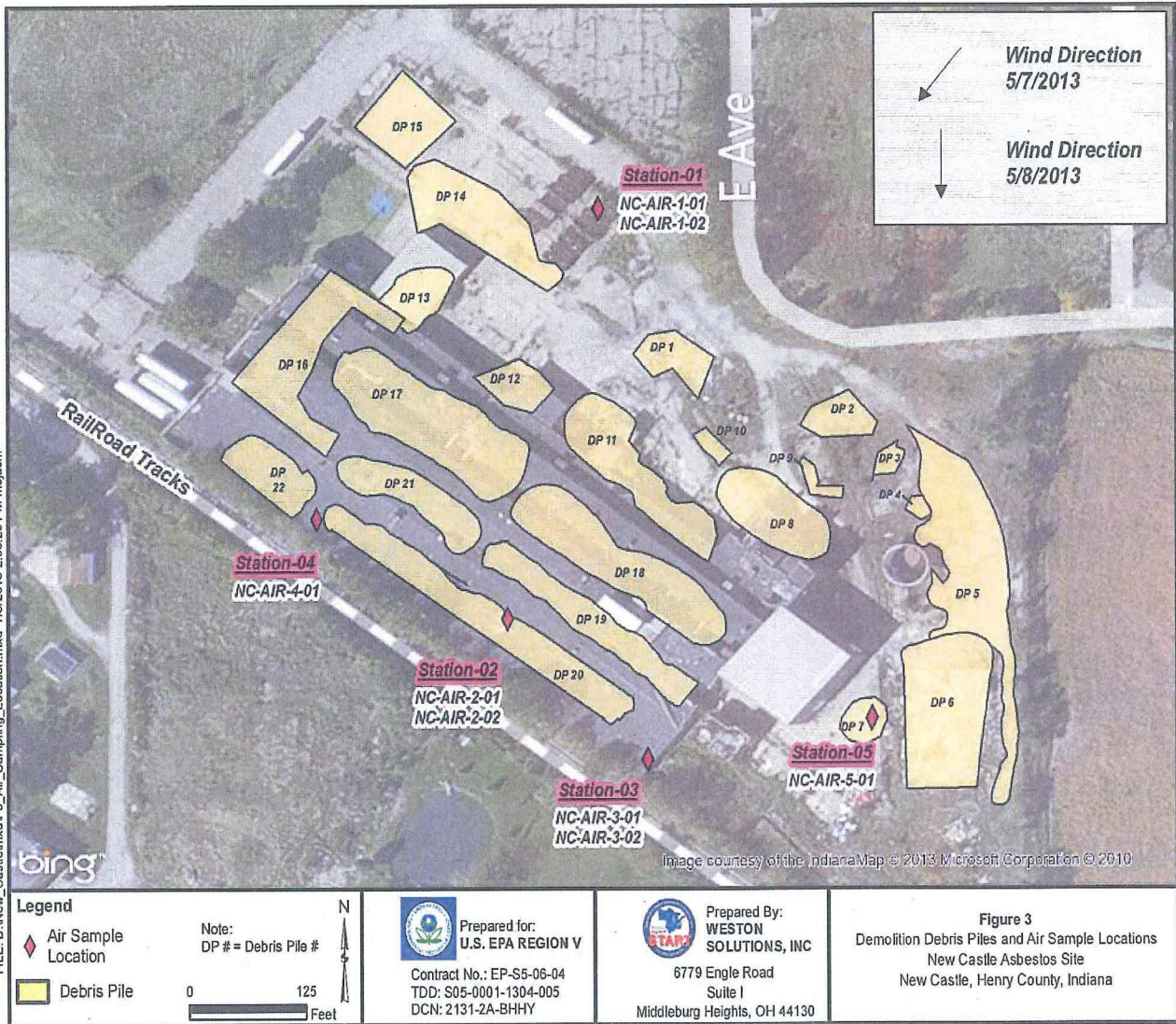


FILE: D:\New\_Castle\mxd\1\_Site\_Location.mxd 6/18/2013 10:05:03 AM mejsam



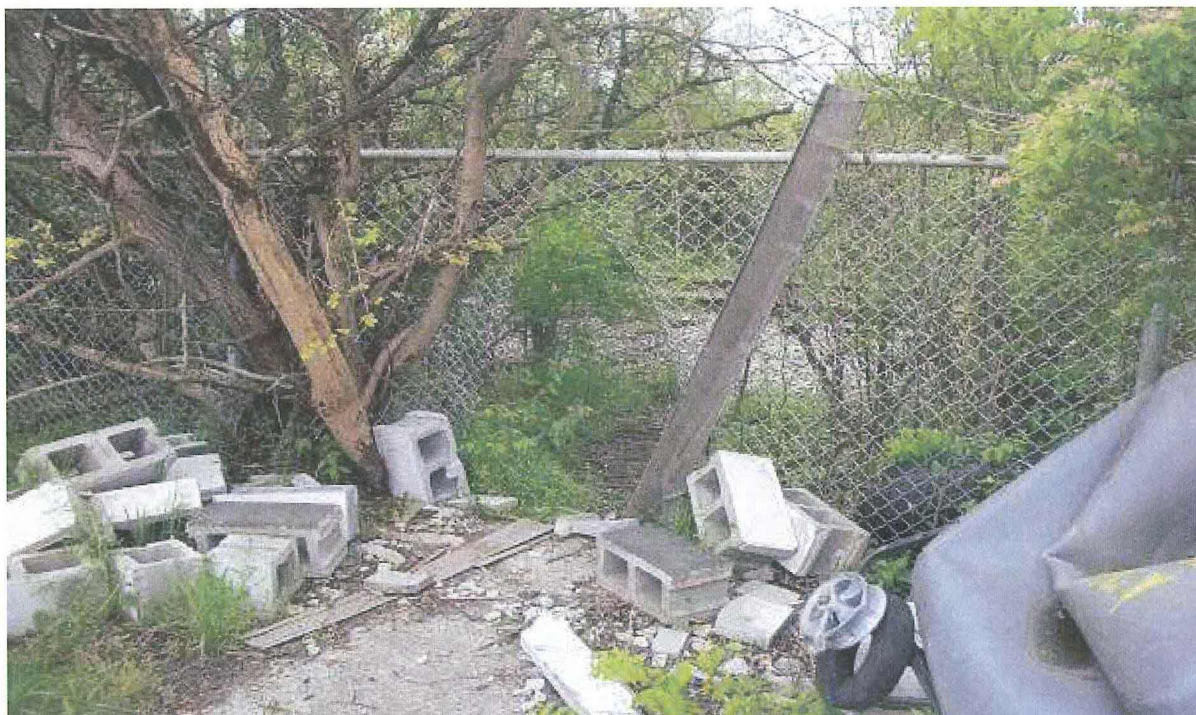
**FIGURE 2**

**SITE LAYOUT MAP**  
**New Castle Asbestos Site**  
**New Castle, Henry County, Indiana**  
**April 2015**

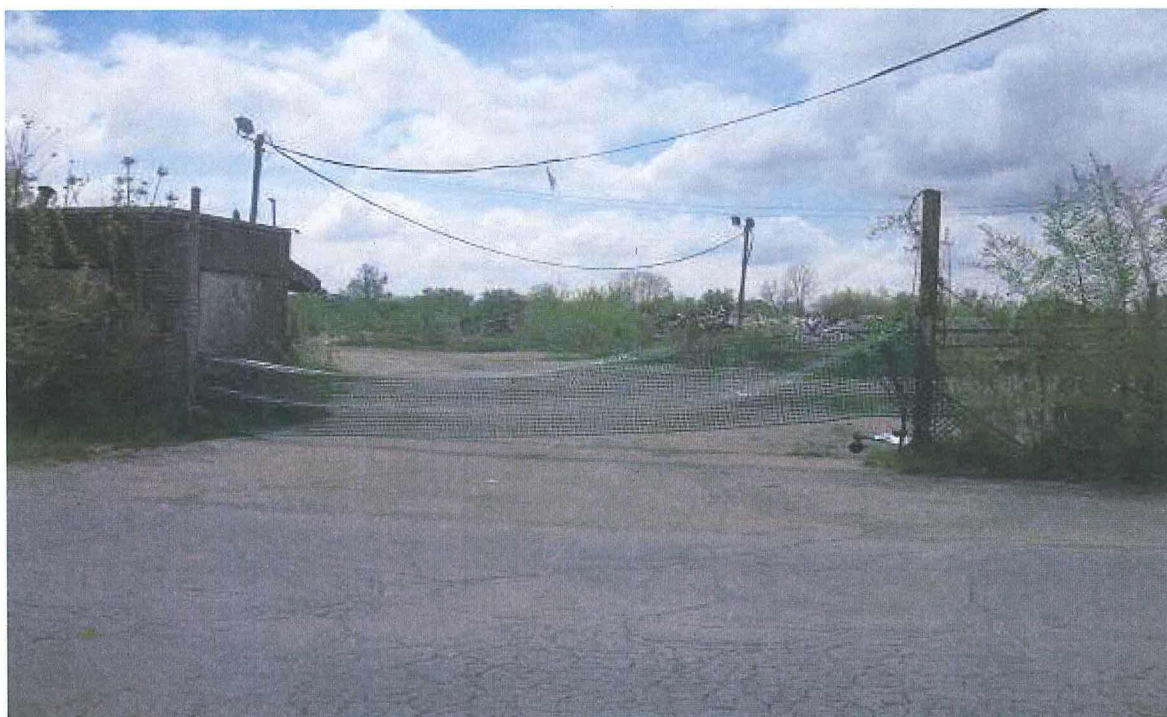


**FIGURE 3**

**SITE PHOTO LOG  
New Castle Asbestos Site  
New Castle, Henry County, Indiana  
April 2015**



One of several breeches in the perimeter fence



No functioning gate at the Site



Fragment of a brake part on the southeast portion of the Site



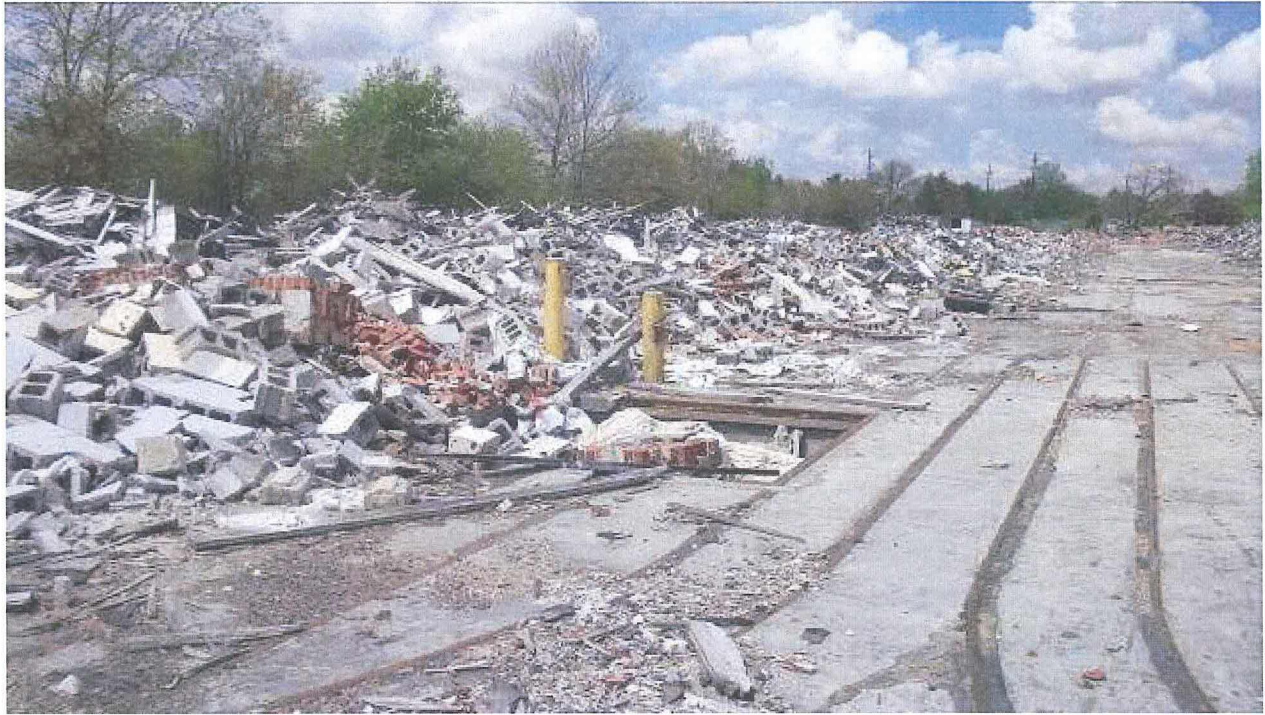
Corrugated paper tested positive for asbestos



TranSite fragment observed within some of the debris piles



Charred debris that tested positive for asbestos



View of debris piles on-Site



View of debris piles on-Site

**ATTACHMENT I**

**DETAILED CLEANUP CONTRACTOR ESTIMATE**

**HAS BEEN REDACTED – ONE PAGE**

**NOT RELEVANT TO SELECTION**

**OF REMOVAL ACTION**

**ATTACHMENT 2**

**INDEPENDENT GOVERNMENT COST ESTIMATE**

**HAS BEEN REDACTED – TWO PAGES**

**NOT RELEVANT TO SELECTION**

**OF REMOVAL ACTION**

**ATTACHMENT 3**

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

**ADMINISTRATIVE RECORD  
FOR THE  
NEW CASTLE ASBESTOS SITE  
NEW CASTLE, HENRY COUNTY, INDIANA**

**ORIGINAL  
JUNE, 2015**

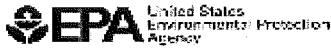
| <b><u>NO.</u></b> | <b><u>SEMS ID</u></b> | <b><u>DATE</u></b> | <b><u>AUTHOR</u></b>   | <b><u>RECIPIENT</u></b>   | <b><u>TITLE/DESCRIPTION</u></b>   | <b><u>PAGES</u></b> |
|-------------------|-----------------------|--------------------|--|---|---|---------------------|
| 1                 | 918376                | 11/29/06           | Linebach<br>Funkhouser, INC.   | Tire Recycling<br>Consultants   | Phase I Environmental Site<br>Assessment Report                                     | 8                   |
| 2                 | 918391                | 10/7/11            | Henry County   | Morehead, S.  | Tax Sale Certificate  | 10                  |
| 3                 | 918378                | 4/21/12            | Lundblad, E.,<br>Courier-Times   | Public  | Newspaper Article re: Fire<br>Destroys Vacant Building                              | 1                   |
| 4                 | 918382                | 10/2/12            | Henry, C., IDEM  | Neal, R., Neal<br>Scrap Company<br>and Czukor R.,<br>Double Dapple<br>Development | Letter re: Failure to Submit<br>Asbestos Demolition Notification<br>Form            | 6                   |
| 5                 | 918383                | 2/14/13            | Ray, S., Indiana<br>Office of<br>Community &<br>Rural Affairs                    | Orr, D., U.S. EPA   | Email re: Potential New Castle<br>Brownfield Project                                | 4                   |
| 6                 | 918377                | 4/8/13             | Murphy, C., New<br>Castle Henry<br>County Economic<br>Development<br>Corporation | Boseman, A., U.S.<br>EPA  | Email re: Property Fact Sheets<br>(with Attachments)                                | 3                   |
| 7                 | 918380                | 4/11/13            | Haynes, W., Editor   | File  | Article re: The Firestone Tire &<br>Rubber Company                                  | 2                   |
| 8                 | 918381                | 4/25/13            | Davis, A., City of<br>New Castle   | Morehead, S.  | Letter re: Notification of<br>Violation of Section 97.01 of<br>New Castle City Code | 1                   |
| 9                 | 918386                | 5/1/13             | Morehead, S.   | U.S. EPA  | Consent for Access to Property  | 1                   |



| <u>NO.</u> | <u>SEMS ID</u> | <u>DATE</u> | <u>AUTHOR</u>                                 | <u>RECIPIENT</u>         | <u>TITLE/DESCRIPTION</u>  | <u>PAGES</u> |
|------------|----------------|-------------|---|--------------------------|---|--------------|
| 10         | 918387         | 8/12/13     | Beodray, F., and<br>Kiel, A., Weston<br>START | Boseman, A., U.S.<br>EPA | Letter re: Waste Management<br>Options  | 4            |
| 11         | 918388         | 8/22/13     | Beodray, F.,<br>Weston START                  | Boseman, A., U.S.<br>EPA | Site Assessment Report  | 75           |
| 12         | 918379         | 5/28/14     | Perry, L., Courier-<br>Times                  | Public                   | Newspaper Article re: Big Day<br>for Development: Firestone Site<br>Rehab is Moving   | 2            |
| 13         | 918384         | 6/9/14      | Perry, L., Courier-<br>Times                  | Public                   | Newspaper Article re: Firestone<br>Site's Owner Due in Court  | 3            |
| 14         | 918623         | 7/28/14     | Perry, L., Courier-<br>Times                  | Public                   | Newspaper Article re: Fines<br>Continue at Firestone Property   | 1            |
| 15         | 918385         | 8/13/14     | Boseman, A., U.S.<br>EPA                      | Osborn, R., IDEM         | Letter re: Request for Applicable,<br>Relevant, and Appropriate<br>Requirements (ARARs)   | 1            |
| 16         | 918375         | 8/22/14     | Kasarabda, P.,<br>IDEM                        | Boseman, A., U.S.<br>EPA | Letter re: Applicable or Relevant<br>and Appropriate Requirements<br>(ARARs)  | 2            |
| 17         | 918622         | 8/27/14     | Green, K., Courier-<br>Times                  | Public                   | Newspaper Article re: Firestone<br>Saga May Change Direction Soon   | 2            |
| 18         | 918389         | 3/25/15     | Green, K., Courier-<br>Times                  | Public                   | Newspaper Article re: Looking<br>for Contamination  | 2            |
| 19         | 918390         | 5/8/15      | Henry County                                  | File                     | Property Tax Information  | 5            |
| 20         | -              | -           | Boseman, A., U.S.<br>EPA                      | Karl, R., U.S. EPA       | Action Memorandum re: Request<br>for Approval and Funding for a<br>Time-Critical Removal Action at<br>the New Castle Asbestos Site<br>(PENDING) | -            |

## ATTACHMENT 4

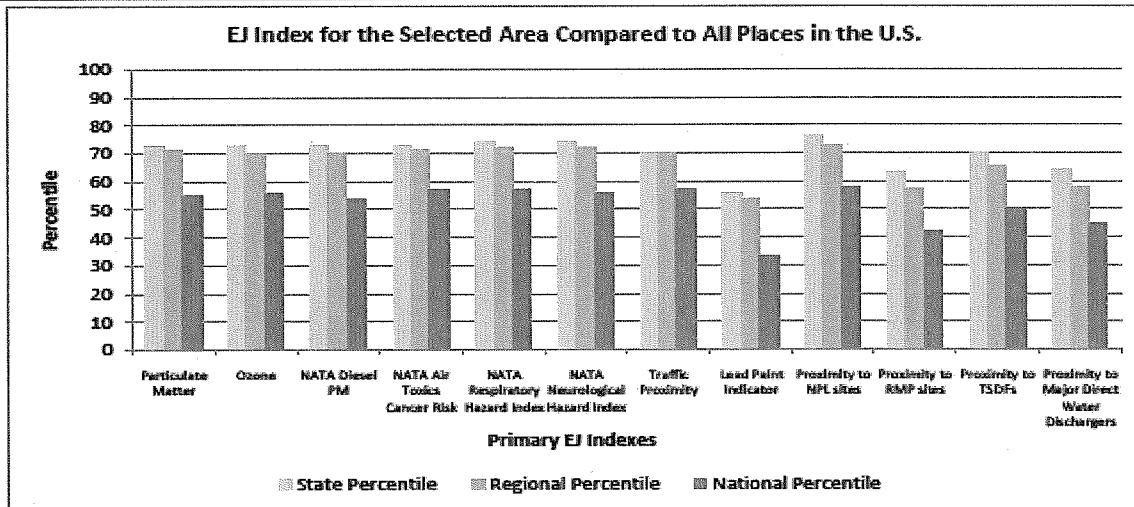
### ENVIRONMENTAL JUSTICE ANALYSIS New Castle Asbestos Site New Castle, Henry County, Indiana April 2015



**EJScreen Report for 1 Mile Ring Centered  
at 39.920 N, -85.352 W, Indiana  
Approximate Population: 7269**

08/01/14

| Selected Variables                          | State Percentile | EPA Region Percentile | USA Percentile |
|---|------------------|-----------------------|----------------|
| <b>Primary EJ Indexes</b>                   |                  |                       |                |
| Particulate Matter                          | 73               | 71                    | 55             |
| Ozone                                       | 73               | 70                    | 58             |
| NATA Diesel PM                              | 73               | 70                    | 54             |
| NATA Air Toxics Cancer Risk                 | 73               | 71                    | 57             |
| NATA Respiratory Hazard Index               | 74               | 72                    | 57             |
| NATA Neurological Hazard Index              | 74               | 72                    | 56             |
| Traffic Proximity                           | 70               | 70                    | 57             |
| Lead Paint Indicator                        | 56               | 54                    | 33             |
| Proximity to NPL sites                      | 76               | 73                    | 58             |
| Proximity to RMP sites                      | 63               | 57                    | 42             |
| Proximity to TSDFs                          | 70               | 65                    | 50             |
| Proximity to Major Direct Water Dischargers | 64               | 58                    | 45             |



This report shows environmental, demographic, and EJ indicator values. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators.