



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**


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Seattle, WA 98101-3140

JUL 26 2016

OFFICE OF
ENVIRONMENTAL
CLEANUP

SUBJECT: Action Memorandum for the Pleasant Hill Asbestos Emergency Response Site, Pleasant Hill, Lane County, Oregon pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104

FROM: Dale Becker, On-Scene Coordinator
Emergency Response Unit
Emergency Management Program

THRU: Calvin J. Terada, Unit Manager
Emergency Response Unit
Emergency Management Program  7/26/16

TO: Administrative Record
Pleasant Hill Asbestos Emergency Response Site

I. Purpose

The purpose of this memorandum is to document the decision to initiate emergency response actions described herein for the Pleasant Hill Asbestos Emergency Response Site (Site) located in Pleasant Hill, Lane County, Oregon pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104. This removal action concerns asbestos-contaminated debris and asbestos containing material, which is a nationally significant and precedent setting issue. The Office of Emergency Management (OEM) Regional Coordinator has been consulted. Pursuant to Superfund Removal Guidance for Preparing Action Memoranda, a request for headquarters concurrence is not necessary when the incident does not require actions beyond the initial emergency measures.

II. Site Information

A. Site Description

Site Name:	Pleasant Hill Asbestos Emergency Response
Superfund Site ID (SSID):	10PS
NRC Case Number:	none
EPA ID Number:	ORN001001626
Site Location:	85961 Edenvale Road, Pleasant Hill, Oregon 97455
County:	Lane
Lat/Long:	Latitude: 43.9960260 Longitude: -122.9132160

Potentially Responsible Party (PRP): See Confidential Enforcement Addendum
Access: Signed access agreement in place 5/4/2016
NPL Status: not listed
Removal Start Date: May 4, 2016

B. Site Background

1. Removal Site Evaluation

On April 25, 2016, Lane Regional Air Protection Agency (LRAPA) received an anonymous complaint alleging the demolition of a burned mobile home on Edenvale Road without an asbestos survey. LRAPA investigated the matter and located an asbestos survey for the demolished mobile home conducted by Lodge Environmental Incorporated on April 18, 2016. The survey results indicated five percent Chrysotile asbestos in adhesive putty around windows and eight percent Chrysotile asbestos in black adhesive on the roof¹.

On April 29, 2016, LRAPA inspected the original location of the demolished mobile home and observed part of the burned mobile home structure still erect and extensive debris still remaining on the Site². LRAPA collected nine samples of building materials for asbestos analysis using Polarized Light Microscopy (PLM). PLM analysis indicated the presence of asbestos in each of two samples of roofing material (five percent and three percent Chrysotile asbestos), as well as each of two samples of window putty (30 percent and 25 percent Chrysotile asbestos)³. One sample of the roofing material and one of the window putty was further analyzed using both Transmission Electron Microscopy (TEM) and PLM Point Count 400. TEM results for roofing material were below the method detection limits, window putty analysis indicated 1.2 percent asbestos⁴. PLM Point Count 400 analysis of roofing material and window putty indicated 7.75 and 5.25 percent Chrysotile asbestos respectively⁵. The LRAPA inspector and laboratory personnel determined that differing analytical results were due to the variability in spatial distribution of asbestos in the bulk materials and the samples⁶.

After further investigation LRAPA located asbestos containing material (ACM) and asbestos-contaminated debris from the Site in two additional locations: (1) a dump truck load of demolition debris at the demolition subcontractor's home and (2) a trailer with a rejected load of solid waste containing ACM demolition debris at Short Mountain

¹ Asbestos Survey Report, Letter of Correction, Lodge Environmental Inc., May 6, 2016.

² Personal Communication, Kim Singleton, Inspector, Compliance and Enforcement, Lane Regional Air Protection Authority, May 3, 2016.

³ Asbestos Bulk Sample Report, Northwest Hazmat Inc., April 29, 2016.

⁴ Summary of Bulk Asbestos Analysis by Transmission Electron Microscopy, Triangle Environmental Service Center, Inc., May 2, 2016.

⁵ Asbestos Point Count Analysis Summary, Triangle Environmental Service Center, Inc., May 6, 2016.

⁶ Personal Communication, Kim Singleton, Inspector, Compliance and Enforcement, Lane Regional Air Protection Authority, May 10, 2016.

Landfill. The rejected load was staged adjacent to the permitted asbestos disposal cell in a 48 foot long walking floor trailer with a capacity of 20 tons or 120 cubic yards⁷.

On May 3, 2016, LRAPA consulted Oregon Department of Environmental Quality (OR DEQ) and EPA Criminal Investigation Division (CID). LRAPA requested EPA assistance due to the lack of emergency funding, contracting authority, and legal ability to take emergency action against the PRP to clean up the ACM at the mobile home park and trailer with the rejected load. LRAPA expressed concern that cutting ACM roof material generated airborne friable asbestos, contaminating all debris on the Site. On May 4, 2016, one OSC, two Superfund Technical Assistance Response Team (START) personnel and the Emergency and Rapid Response Services (ERRS) Removal Manager (RM) deployed to the Site.

On May 4, 2016, the EPA OSC and LRAPA inspectors reviewed bulk material laboratory results and visually inspected the Edenvale Road Site. LRAPA inspectors explained which debris materials tested positive for asbestos. The ACM roofing material was the bottom layer of three. The second layer of roofing was a four inch thick white closed cell foam. The third layer and top of roofing had been removed from the debris. The foam and ACM roofing was dry cut into sections of approximately three to five square foot sections during demolition. A ten by eight foot wide portion of roof was intact on top of standing walls. Saw dust mixed with white foam was deposited on top of all debris, floors, and on the ground. LRAPA and EPA agreed that it was likely the sawdust with white foam also contained friable asbestos which then contaminated the demolition debris. An EPA toxicologist indicated that removal of friable asbestos using white foam as a visual indicator would be protective of human health when the Site is returned to residential use⁸. The ACM and asbestos-contaminated debris was not fully covered; the on-site mobile home park manager had been wetting the ACM and asbestos contaminated-debris for approximately four days. Approximately five televisions were in the driveway; LRAPA inspectors indicated that the televisions had not been in the driveway on their last visit and suspected people were entering the Site to salvage materials. The on-site mobile home park manager later confirmed people were entering the Site to salvage materials⁹. Cats were seen moving through the debris. The ACM roofing and friable asbestos-contaminated debris was immediately adjacent to the driveway and porch of the neighboring homes. It was determined that friable asbestos was contaminating the debris constituting an on-going release to the environment. People entering the Site were being exposed and there was a risk of further exposure to neighbors, as well as people entering the Site and pets tracking friable asbestos to their homes.

EPA and LRAPA inspectors visited the home of the subcontractor who was conducting demolition and hauling operations. The home was located on Latham Road in Cottage Grove, Lane County, Oregon. A dump truck in the driveway of the home contained visible ACM roofing material which had been removed from the mobile home demolition

⁷ Personal Communication, Keith Hendrix, Landfill Supervisor, Short Mountain Landfill, Waste Management Division Lane County Public Works, May 5, 2016.

⁸ Personal communication, Julie Wroble, Toxicologist, EPA Region 10, May, 6, 2016.

⁹ Personal communication, On-Site Mobile Manager, Bella Casa Mobile Home Park, May 7, 2016.

project. The load was partially covered and parked adjacent to a children's swing set. EPA and LRAPA interviewed the subcontractor. The subcontractor indicated that he had cut the roof into sections using a reciprocating saw then removed the walls. During demolition his family, including young children, were present helping move debris. No respiratory protection was worn because he was provided a copy of an asbestos survey indicating no ACM present. The subcontractor did not have a written contract and is not a licensed asbestos contractor. He reported taking two to three loads to the Rattlesnake Transfer Station before having the load in his dump truck rejected. The subcontractor indicated to EPA he did not have the ability to hire a licensed asbestos abatement contractor.

EPA and LRAPA inspectors then met with Lane County Waste Management Division staff at the Short Mountain Landfill. The Lane County Waste Management Division and LRAPA had determined that the 48 foot trailer contained waste from the subcontractor's first two to three loads. Solid waste transported from the Rattlesnake Transfer Station was mixed with the ACM and asbestos contaminated debris. The load staged at the contractor's home was rejected because the asbestos survey presented at the gate indicated building materials that were not present in the demolition debris; it was suspected that the report had been altered or falsified. The landfill staff and LRAPA had determined from transfer station records and interviews that the ACM and asbestos contaminated debris from the Edenvale Road demolition was likely loaded in the back one third of the trailer. Short Mountain Landfill is permitted to receive asbestos, however LRAPA and landfill staff indicated that the load could not be placed in the primary cell. Neither LRAPA nor the landfill have the capability to properly package the waste for disposal in the permitted asbestos cell. LRAPA and Lane County Waste Management Division requested EPA assistance to properly dispose of the ACM and asbestos contaminated debris in the trailer. The trailer was covered and staged adjacent to the permitted asbestos cell however any attempt to dump the trailer or segregate materials posed a risk of release to the environment with a potential exposure to workers.

2. Physical location and Site characteristics

The Site is comprised of three locations where ACM and asbestos-contaminated debris was distributed: the mobile home park, the subcontractor's home and the Short Mountain Landfill.

The primary demolition location in the mobile home park is in a rural residential area on Edenvale Road near Pleasant Hill, Lane County, Oregon. The mobile home park has approximately 70 mobile homes in the community with a population of approximately 125 residents. The mobile home space where the demolition occurred is 50 feet wide by 75 feet long.

The subcontractor's home location is located near the intersection of Latham Road and London Road in a rural residential area in Lane County, Oregon. The location is approximately three miles south of the city center of Cottage Grove, Oregon.

The Short Mountain Landfill is located in a rural area of Lane County, Oregon. The landfill is approximately 2.5 miles south of Goshen, Lane County, Oregon and located at 84777 Dillard Access Rd, Eugene, Oregon 97405.

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

The hazardous substance known to be on-site is asbestos. Asbestos is a hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601(14). The presence of asbestos was determined by Lodge Environmental Incorporated during an asbestos survey conducted on April 18, 2016 at the request of a potentially responsible party¹⁰. LRAPA confirmed the presence of asbestos through PLM, TEM, and PLM 400 Point Count sampling conducted on April 29, 2016.¹¹ Interviews and visual inspection of the debris indicated that dry cutting of ACM resulted in the release of asbestos into the environment.

III. Threats to Public Health Welfare or the Environment

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants.

The dry cutting of known ACM likely produced friable asbestos mixed with sawdust and released airborne asbestos fibers into the environment. Friable asbestos can easily become airborne in wind or during disturbance. ACM that is not currently friable may become friable due to improper handling. Friable asbestos contaminated debris is directly adjacent to neighboring residences. Accounts of people entering the mobile home location to salvage materials and the presence of household pets entering the debris all indicate a high probability of human exposure to the known carcinogen.

The subcontractor's dump truck was partially covered and located adjacent to a children's play area. Any attempt to move the materials could result in disturbance of friable asbestos and a human exposure.

Lane County workers at the Short Mountain Landfill were not qualified to remove ACM and friable asbestos contaminated debris from the rejected load. Any attempt to transfer the rejected load could result in friable asbestos becoming airborne and exposing workers.

Exposure to airborne friable asbestos may result in potential health risk because people breathing the air breathe in asbestos fibers. Continued exposure can increase the number of fibers that remain in the lungs. Fiber embedded in lung tissue over time may cause lung disease, including asbestosis, lung cancer, and mesothelioma.¹²

¹⁰ Asbestos Survey Report, Letter of Correction, Lodge Environmental Inc., May 6, 2016.

¹¹ Personal Communication, Kim Singleton, Inspector, Compliance and Enforcement, Lane Regional Air Protection Authority, May 10, 2016.

¹² Retrieved from <https://www.epa.gov/asbestos/learn-about-asbestos#effects>, May 28, 2016.

B. Applicable factors (from 40 CFR 300.415) which were considered in determining the appropriateness of a removal action:

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

Known ACM was dry cut releasing airborne fiber and spreading friable asbestos mixed with sawdust onto debris and the soil surface. Actual human exposure occurred at the mobile home park location and there was a potential for human exposure in the event of disturbance of debris at the subcontractor's home or Short Mountain Landfill.

- 2. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate [300.415(b)(2)(iv)].**

Visible sawdust with white closed cell foam was on the soil surface at the mobile home park. The white closed cell foam was cut concurrently with the ACM and therefore was used as a visual indicator of contaminants at the soil surface.

- 3. Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].**

Weather conditions were hot and dry increasing the risk of friable asbestos becoming airborne in wind.

- 4. The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].**

LRAPA requested EPA assistance due to the lack of emergency funding, contracting authority, and legal ability to take emergency action against the PRP to clean up the ACM at the mobile home park and trailer with the rejected load. There were no known, other appropriate federal or state response mechanisms capable of providing the appropriate resources in a prompt manner needed to address the potential human health threats described.

IV. Selected Removal Action and Estimated Costs

A. Situation and Removal Activities to Date

1. Current Situation.

All ACM and asbestos contaminated debris has been removed and hauled off-site for proper disposal at permitted solid waste facilities.

2. Removal activities to date:
 - a. Federal Government/Private Party

EPA removed all ACM and friable asbestos contaminated debris from all three Site locations. Debris was wetted continuously at all locations in order to prevent asbestos fibers from becoming airborne.

Mobile Home Park Location:

Visible closed cell foam sawdust was used as a visual indicator of the extent of contamination at the mobile home park location because the closed cell foam was dry cut while attached to the ACM roofing. The white closed cell foam sawdust was found on all debris, building surfaces, and on the soil surface under the mobile home and throughout the mobile home park space. The loose debris was removed first in order to provide a work area free of slip, trip and fall hazards. The ACM roofing and standing walls were removed. Visual inspection indicated that friable asbestos was likely deposited under the mobile home so the floor and frame were cut to provide access to contaminated soil under the mobile home; floor material was hauled off-site for disposal with other ACM and asbestos contaminated debris; the metal frame was pressure washed and remains on the property. Household hazardous materials and e-waste were cleaned to remove residual asbestos contamination and hauled to Lane County household hazardous waste collection facilities. The driveway and road surface was pressure washed to ensure no residual contamination remained. Surface soil of the mobile home park space was scrapped to remove approximately two inches of soil and ensure no visible foam sawdust remained. ACM, asbestos contaminated debris and surface soils with visual indicators of contamination were wetted and loaded into roll off containers lined, covered and sealed with two layers of reinforced poly. Approximately 120 cubic yards of waste was disposed of at a municipal solid waste landfill permitted to receive asbestos and in compliance with the CERCLA off-site rule (40 CFR § 300.440). The porches of neighboring homes were vacuumed using a HEPA vacuum to ensure no residual contamination could be transported into residences. Air monitoring for particulate and air sampling for asbestos was conducted continuously between the property and neighboring homes and near the community club house to provide background levels for comparison. Operations were adjusted based on particulate monitoring results.

Subcontractor's Home Location:

The dump truck load of ACM and debris contaminated with friable asbestos at the subcontractor's home location was wetted, removed by hand, and loaded into a roll-off bin with double layer, sealed, reinforced polyethylene top and bottom liners. Thirty cubic yards of waste were disposed of at a municipal solid waste landfill permitted to receive asbestos and in compliance with the CERCLA off-site rule (40 CFR § 300.440). Up wind and downwind air monitoring for particulate and air sampling for asbestos were conducted. Particulate monitoring indicated no increase over background levels.

Short Mountain Landfill Location:

EPA, LRAPA, and the Lane County Waste Management Division coordinated to remove approximately 40 yards of ACM and asbestos contaminated debris from the trailer and properly dispose of the materials in the permitted asbestos cell in at the Short Mountain Landfill. Waste was continuously wetted while dumping onto a double layer of reinforced liner located in the permitted asbestos cell at the Short Mountain Landfill. The

waste being removed from the trailer was visually inspected for demolition debris and removal stopped after no further demolition debris was noted. The waste removed from the trailer was covered and sealed with two layers of reinforced polyethylene liner for permanent disposal in place. Pursuant to 40 CFR § 300.440(a)(2), the OSC determined that it was necessary to dispose of the waste at the Short Mountain Landfill (a facility that has not been certified for CERCLA off-site rule compliance) because handling the materials twice to separate and transport the waste to a certified facility would increase the risk of an immediate and significant threat to human health and the environment.

b. State/local

Prior to EPA arrival on the scene, LRAPA directed the responsible party to hire an asbestos abatement contractor to remove ACM. The responsible party was unable to pay for removal actions however an abatement contractor partially covered the ACM and debris contaminated with friable asbestos at the mobile home location and the subcontractor's home. LRAPA posted warning tape around the mobile home debris and worked with the mobile home park manager to ensure that ACM and debris contaminated with friable asbestos was wetted regularly to prevent asbestos fibers from becoming airborne. LRAPA and Oregon DEQ were unable to remove the ACM and debris contaminated by friable asbestos.

3. Enforcement

See the attached Confidential Enforcement Addendum.

B. Planned Removal Actions

1. Proposed action description

All removal actions were completed on May 11, 2016. No further actions are planned.

2. Contribution to remedial performance

No long-term remedial action is anticipated at the Site.

3. ARARs

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted. Oregon Department of Environmental Quality (DEQ) was contacted by telephone for input on ARARs however DEQ was not able to respond prior to completion of the removal action.

Federal

NESHAP, 40 CFR 61, Subpart M. Subpart M addresses milling, manufacturing, and fabricating operations, demolition and renovation activities, waste disposal issues, active and inactive waste disposal sites, and asbestos conversion processes. Subpart M is potentially applicable to the handling, packaging, labeling, transportation, and disposal of asbestos-containing material.

Resource Conservation and Recovery Act [42 USC § 6901], Subtitle D Managing Municipal and Solid Waste [40 CFR Parts 257 and 258]. Subtitle D of RCRA establishes a framework for controlling the management of non-hazardous solid waste. Subtitle D is potentially applicable to solid waste generation and management at the Site.

State

Asbestos Requirements, Chapter 340, Division 248, relating to the abatement and disposal of asbestos.

Transportation of Hazardous Waste Materials, Chapter 340, Division 103, relating to the transportation of hazardous wastes to an off-site disposal facility.

Minimum Functional Standards for Solid Waste Handling, Chapter 340, Division 102 relating to the disposal of non-hazardous waste.

4. Project Schedule

All removal actions were completed as of May 11, 2016. No further actions are planned.

C. Estimated Costs*

Contractor costs (ERRS/START staff, travel, equipment)	\$160,000
Other Extramural Costs (Strike Team, other Fed Agencies)	--
Contingency costs (20% of subtotal)	\$37,000
Total Removal Project Ceiling	\$197,000

* The above costs are an estimate of extramural costs that count toward the Removal Ceiling. Other EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for all costs incurred by the EPA as set forth in Section 107 of CERCLA.

VI. Expected Change in the Situation Should Action Be Delayed or Not Taken

A delay in action or no action at this Site would have increased the actual or potential threats to the public health and/or the environment.

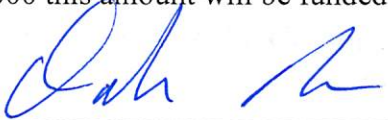
VII. Outstanding Policy Issues

This removal action concerns asbestos-contaminated debris and asbestos containing material, which is a nationally significant and precedent setting issue. The Office of Emergency Management (OEM) Regional Coordinator has been consulted. Pursuant to Superfund Removal Guidance for Preparing Action Memoranda, a request for headquarters concurrence is not necessary when the incident does not require actions beyond the initial emergency measures.

VIII. Approvals

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and not inconsistent with the National Contingency Plan. This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal action and through this document, I approved the removal actions. The total project ceiling is \$197,000 this amount will be funded from the Regional removal allowance.



Dale Becker
Federal On-Scene Coordinator

7/26/16

Date

Confidential Enforcement Addendum to the Pleasant Hill Asbestos Emergency Response Site
Action Memorandum

(b) (6), (b) (5), (b) (7)(A)

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EPA Region 10 Routing AND Concurrence Sheet

Author: Dale Becker

Date: 7/20/2016

Addressee: Administrative Record, Pleasant Hill Asbestos Emergency Response Site

Subject: Action Memorandum for the Pleasant Hill Asbestos Emergency Response Site, Pleasant Hill, Lane County, Oregon pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104

File Name/Location:

Signer: Dale Becker

Routing Path and/or Admin Review:

Date:

1.	Kristin Leefers	//
2.	Dean Igemansen	//
3.	Calvin Terada	7/26/16
DCB 4.	Reggie Cheatham (see attached HQ OEM concurrence memo) <small>OEM Resident coordinator</small>	//
5.	Chris Field	//

Return to: ~~Dale Becker~~ Sharon Smith

CONCURRENCES

Name:	Weigel	Leefers	Igemansen	Terada	Field	
Initials:		KL	<i>DI</i>	<i>CT</i>	<i>CF</i>	
Date:		7/27/16	8/1/16	7/26/16	7/26/16	

ACTIONS/ADDITIONAL INFORMATION:

mailing deadline:	
cc:	
bcc:	
email to:	
fax to:	
pdf to:	

Additional notes/requirements:

Filing Instructions:	Schedule:	Chronological:	Program:
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Action Memorandum Check Sheet¹

Coordination with or obtained:	Y/N	Contact Info or Comment:
Acct No. and/or CERCLIS No. obtained	Y	10PS, ORN001001626
ATSDR coordination	N	Coordinated with EPA toxicologist
Community Involvement/Press coordination	Y	Remote support for community meeting
Contracts (ERRS, START)	Y	Both adequately funded
Dept of Agriculture (Forest Service lands)	N	NA
Dept of Commerce/National Marine Fisheries (ESA) issues considered	N	No habitat impacts
Dept of Interior (ESA) issues considered	N	No habitat impacts
Hanford Project Office coordination	N	NA
IGCE completed, if required	NA	
NPL coordination	NA	Not eligible
ORC coordination/concurrence	Y	Kris Leefers site attorney
PRP search initiated	Y	PRPs identified
Admin Record established	Y	Coordinating review with site attorney
Criminal Investigation Division (CID)	Y	Eric Martenson
Operations Office coordination	Y	Emailed POLREPs to OOO director
Tribal Office coordination	N	No tribal areas of interest identified
Tribal (cultural and natural resources) issues considered	Y	Reviewed tribal areas of interest map none identified

Original to: Records Center (Admin Record)
Copies to: Lynne Kershner (CERCLIS reporting)
Mike Sibley (ERRS)
Mary Matthews (ER Program file)
Originating OSC (personal file)

¹ This check sheet is required for all Action Memos and is to be used as a guide for OSCs and RPMs to ensure proper communication and coordination with various stakeholders. With the exception of ORC, formal concurrence is not required but items should be considered prior to routing an Action Memo for signature. Check sheet should be included with formal signature package.