



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Request for Approval of a Ceiling Increase for a Removal Action at the American Plating Site, Baltimore, Maryland

FROM: Gregory Ham, On-Scene Coordinator Eastern Response Branch (3HS31) *Request for Greg Ham 1 June 16*

TO: Bonnie Gross, Director
Office of Preparedness and Response (3HS30)

THRU: Gerald T. Heston, Chief
Eastern Response Branch (3HS31)

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of a ceiling increase for the time-critical Removal Action described herein for the American Plating Site (EPA site ID No. A35R), located at 4000 – 4008 E. Monument Street, Baltimore, MD (Site). The Site is an abandoned electroplating facility located in a commercial/industrial area several miles east of downtown Baltimore. Site evaluation activities were performed in May 2016 in accordance with the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR Part 300. The Site evaluation documented a threat to public health or welfare or the environment due to large quantities of hazardous substances, and/or pollutants or contaminants which may present and imminent and substantial danger to the public health or welfare (hereafter referred to pollutants or contaminants), that pose an endangerment stored in an unsafe manner in a dilapidated building. The On-Scene Coordinator (OSC) has determined that the Site meets the criteria in Section 300.415 of the NCP for initiating a Removal Action. Additional CERCLA funding, including an additional \$780,000 from the Removal Action allowance, is necessary to continue to mitigate the Site threats identified in this Action Memorandum. The increased funding raises the total Removal Action Estimated Project Ceiling to \$1,285,000. Of this, an estimated \$1,000,000 comes from the Regional Removal Allowance.

II. SITE DESCRIPTION AND BACKGROUND

A. Site Description

1. Removal Site Evaluation

The Site is a former electroplating operation in Baltimore, Maryland, that shut down over a year ago. The Site consists of a single building located within a commercial/industrial

neighborhood. There are abandoned electroplating vats, hundreds of containers of electroplating solutions and materials, and two lab areas with multiple small containers of various chemicals.

On April 14, 2016, representatives of the Maryland Department of the Environment (MDE) conducted an inspection of the facility. Based on that inspection, MDE asked for assistance from EPA. On May 3, 2016, an OSC inspected the facility with inspectors from the Baltimore City Housing Department. The building was observed to be in very poor condition, with a leaky roof, sagging beams, electricity only in parts of the building and no water service. There were many drums and totes of material throughout the building, some in poor condition. Some fibre drums were stored in areas where storm water from a leaking roof fell upon them causing some drums to split. There were vats in the former electroplating area still full of liquids, with labels warning of hazards. There are large numbers of containers located throughout the building in a careless and haphazard manner.

On May 18, 2016, the OSC returned to the Site with members of the START team to conduct sampling of materials in the building. The Baltimore City Housing Department inspectors were there, along with members of the Baltimore City Fire Department. After an inspection of the building and its contents, the City Housing Department posted a Condemnation Order on the building.

From the hazardous materials perspective, there are drums of acids (hydrochloric, sulfuric, and nitric), cyanide compounds (of copper, sodium, potassium, nickel, and zinc), sodium hydroxide, toluene, and many more. There are many drums labeled corrosives, and a large tank half full of 50% sodium hydroxide according to the label. There are many drums with toxic and/or poison labels on them. There are vats from the former electroplating lines that still contain electroplating solutions, including acids and at least one with cyanide. There are two rooms of lab chemicals, including a large variety of acids and other hazardous substances. A full inventory of the materials in containers is being compiled. The OSC understands that the Site is owned by one entity but that some of the chemicals in the building may be owned by an individual who intended to purchase the property and may or may not currently be a lessee.

2. Physical Location/Site Characteristics

The Site is located in a commercial/industrial area known as the Orangeville Industrial Area in east Baltimore, approximately 4 miles east of downtown. The Amtrak rail corridor runs approximately 100 feet to the north of the building. The geographic coordinates of the site are 39° 17' 58.8804" (39.299689) north latitude and 76° 33' 52.4124" (-76.564559) west longitude, as measured at the front of the building.

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

Hazardous substances onsite include cyanide compounds (of zinc, potassium, copper, and sodium), sodium hydroxide, and acids (sulfuric, hydrochloric, nitric, phosphoric). There are two lab rooms with multiple bottles of a wide variety of chemicals. Many of these chemicals are hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), including, among others Phosphoric Acid, Ferric Chloride and Sodium Hydroxide, which are listed in 40 C.F.R. § 302.4. There are a number of commercial operations nearby, including a food manufacturing operation on the other side of a twelve foot alley that employs over 100 people. The Amtrak main northeast corridor tracks run about 100 feet behind the building. As detailed above there are both acids and cyanide compounds stored in containers of questionable integrity. Acid and cyanide when mixed together form hydrogen cyanide gas, which is extremely toxic as well as very explosive. In the event of a fire or release of cyanide gas, a large number of people could be affected by the plume or by runoff from firefighting water.

- B. 300.415 (b) (2) (v) “Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released”;

The roof of the building is in very poor condition, and rain enters the building. Numerous containers in the building are damaged due to this continual exposure to water. This creates poor conditions for storage of hazardous substances. Increased heat during the summer months increases the threat of volatilization and release into the environment.

- C. 300.415 (b) (2) (vii) “The availability of other appropriate federal or state response mechanisms to respond to the release”

MDE and the City have requested that EPA conduct this removal action due to the financial and manpower burden of such an action. MDE and the City are unable to provide the necessary resources to conduct the removal action. There are no other state or federal response mechanisms to respond to this situation.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment. There are a large number of hazardous substances and/or pollutants or contaminants in the building, stored in unsafe, uncontrolled conditions. The building is in extremely poor condition.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

The proposed removal action consists of the following:

There are numerous containers of chemicals, many labeled as hazardous substances, stored in an dangerous manner in this dilapidated building. The roof of the building is leaking, allowing water to fall upon the stored chemicals compromising the integrity of the containers. The building had reportedly been illegally connected to electricity after its service had been disconnected by the utility company, and improper wiring was noted throughout the building, leading to an increased risk of fire. All of these conditions increase the threat of a release that would be harmful to the health and welfare of the workers in the surrounding buildings, passengers on the rail lines, and nearby residents.

4. National Priorities List

The Site is not on the National Priorities List (NPL).

B. Other Actions to Date

On May 19, 2016 the OSC issued a Special Bulletin, which was amended on May 27, 2016, and activated an Emergency Removal Response Services contractor to begin cleanup of the hazardous substances and pollutants or contaminants in the building.

C. State and Local Authorities' Roles

The Maryland Department of the Environment and the City of Baltimore have requested EPA assistance in responding to conditions at the Site and will continue to be involved. MDE and local authorities have requested that the OSC continue assessment and response activities in order to ensure protection of human health in a timely manner. The OSC will continue to coordinate with MDE and the City.

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

There have been, and continue to be, releases and/or threatened releases of hazardous substances and/or pollutants or contaminants from the American Plating Site into the environment which, under current conditions, present a threat that poses an endangerment to public health, welfare and/or the environment.

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a Removal Action. Paragraphs (b) (2) (i), (v), and (vii) of Section 300.415 directly apply as follows to the conditions as they exist at the American Plating Site.

- A. 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”

1. Mobilize personnel and equipment to the Site to implement response actions;
2. Provide security to limit access to the Site to prevent trespassers from coming into contact with hazardous substances and pollutants or contaminants or causing or exacerbating release and/or threatened release thereof, including, but not limited to, physical barriers preventing such entry.
3. Stabilize leaking drums, tanks, pipes, vats, and other containers to prevent further releases of hazardous substances and pollutants or contaminants;
4. Characterize and segregate all hazardous substances and pollutants or contaminants in drums, tanks, pipes, vats, and other containers as well as associated contaminated materials which may pose a threat;
5. Hazardous substances and pollutants or contaminants and their containers, which in the opinion of the OSC are in marketable condition for use or reuse, may be transferred off-site in accordance with Section 121(d)(3) of CERCLA and 40 CFR 300.440.
6. Sample, overpack, transfer, consolidate, or otherwise prepare the hazardous substances and pollutants or contaminants identified for removal and off-Site disposal in accordance with Section 121(d) of CERCLA and 40 C.F.R. §300.440;
7. Arrange for and conduct transportation for off-site disposal of hazardous substances and pollutants or contaminants prepared for removal pursuant Item #6 above.
8. Dispose off-Site all hazardous substances and pollutants or contaminants identified in Item #6 above pursuant to Section 121(d)(3) of CERCLA and 40 C.F.R. § 300.440.

B. Contribution to Remedial Performance

The Site is not on the National Priorities List, but the proposed Removal Action will be consistent with any future actions that may be taken at the Site. The Removal Action will focus on removing the threat currently posed by the exposure of workers and residents in the area of the Site to a potential release of hazardous substances and pollutants or contaminants. This threat will be abated by removal of the hazardous substances and pollutants or contaminants.

C. Applicable or Relevant and Appropriate Requirements (ARARs)

The proposed Removal Action will comply with Federal and State ARARs to the extent practicable given the exigencies of the situation. On June 1, 2016, the OSC requested that MDE provide a list of potential ARARs by June 9, 2016.

D. Estimated Costs

The proposed distribution of funding is as follows:

Extramural Costs	Previous	This Request	Ceiling
Regional Allowance Costs (This cost category includes estimates for ERRS contractors, subcontractors, letter contracts, orders for services, notices to proceed, alternative technology contracts, and inter-agency agreements with other Federal Agencies)	\$220,000	\$780,000	\$1,000,000
Other Extramural Costs Not Funded from the Regional Allowance START Contractor Total CLP	\$30,000	\$120,000	\$150,000
Subtotal, Extramural Costs	\$250,000	\$900,000	\$1,150,000
Extramural Costs Contingency (15% of Subtotal, Extramural Costs)		\$135,000	\$135,000
TOTAL REMOVAL PROJECT CEILING	\$250,000	\$1,035,000	\$1,285,000

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

The building will continue to deteriorate as neither the suspected tenant nor the owner are conducting repairs. This will increase chances of further degradation of materials in the building, or the likelihood of a fire. As summer arrives the increasing temperatures will continue to further volatilize the hazardous substances on-Site, continuing to create an actual or potential release to the environment and exposure to people in the area.

VIII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues related to the proposed Removal Action.

IX. ENFORCEMENT

Direct Extramural Costs	\$1,285,000
Direct Intramural Costs	\$35,000
Total Direct Costs	\$1,320,000
Indirect Cost (112.98% x Direct Costs)	\$1,491,336
Total Costs (Direct and Indirect)	\$2,811,336

The EPA Region III Removal Enforcement Section has been provided with all background information available to pursue Enforcement Actions pertaining to the American Plating Site (see attached Confidential Enforcement Addendum).

The total EPA costs for this Removal Action based upon full-cost accounting practices are estimated to be \$1,911,496.¹

X. RECOMMENDATION

This decision document represents the selected Removal Action for the American Plating Site in Baltimore, Maryland, developed in accordance with CERCLA as amended, and not inconsistent with the NCP. Conditions at the Site continue to meet the NCP Section 300.415(b)(2) factors for a removal and I recommend your approval of the proposed removal action. The total project ceiling will be \$1,280,000, of which \$1,000,000 comes from the Regional Removal Allowance.

By signing this Action Memorandum, you are also hereby establishing the documents listed below as the Administrative Record supporting the issuance of this Action Memorandum, pursuant to Section 113(k) of CERCLA, 42 U.S.C. 9613(k) and EPA delegation No. 14-22.

1. MDE RCRA Subtitle - C Investigation Former American Plating Corporation, 4004 East Monument Street, Baltimore, MD Inspection. April 12, 2016
2. MDE Land Management Administration Solid Waste Program Report Of Observations Joint Inspection with EPA. June 2, 2015
3. Special Bulletin, May 19, 2016
4. Special Bulletin, May 27, 2016

¹Direct 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.

Action by the Approving Official:

I have reviewed the above-stated facts and based upon those facts and the information compiled in the documents described above, I hereby determine that the release or threatened release of hazardous substances at and/or from the Site presents or may present an imminent and substantial endangerment to the public health or welfare or to the environment. I concur with the recommended removal action as outlined in the Action Memorandum.

APPROVED: Bonnie Gross **DATE:** 6/2/16
Bonnie Gross, Director
Office of Preparedness and Response
Hazardous Site Cleanup Division
EPA Region 3

Attachments:

1. Enforcement Confidential Memo