



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

February 2, 2021

REPLY TO THE ATTENTION OF:
SE-5J

MEMORANDUM

FROM: Jacob Hassan, On-Scene Coordinator
Emergency Response Branch 2, Section 4

THRU: Samuel Borries, Chief
Emergency Response Branch 2

TO: Douglas Ballotti, Director
Superfund & Emergency Management Division

SUBJECT: 1st AMENDMENT: Request for an Exemption from the \$2 Million and 12-Month Statutory Limits and Expanded Scope and Ceiling Increase for the Time-Critical Removal Action at the Ortek, Inc., Site, McCook, Cook County, Illinois (Site ID # C5DJ)

I. PURPOSE

The purpose of this Action Memorandum Amendment is to request and document your approval, consistent with Section 104(c)(1)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604 (c)(1)(A), for an exemption from the \$2 million and 12-month statutory limits in order to expand the scope of the response and increase the ceiling for the time-critical removal action at the Ortek, Inc. Site ("Site") located in McCook, Cook County, Illinois. The sought increase of \$3,982,634 would raise the project ceiling for the time-critical removal action from \$1,966,661 to \$5,949,294. An exemption to the \$2 million and 12-month statutory limits is necessary as the scope of work and size of the Site has increased from the previously approved time-critical removal action.

The change of scope of the response is necessary as the previous Action Memorandum approved on August 30, 2019, was limited to removal and proper disposition of all free liquids and sludge in Tank 101 as well as decontamination and scraping of the tank shell. On March 16, 2020, the Village of McCook formally requested EPA to expand the scope of its site assessment to include additional portions of the Site (all of real estate parcels 003, 011, 021, 022, 023, 024, 048 and 049) (AR#9). During the expanded site assessment in May and June 2020, as detailed below, EPA documented additional hazardous substances throughout the Site.

This Action Memorandum Amendment serves as approval for expenditures by EPA, as the lead technical agency, to take actions to abate the imminent and substantial endangerment posed by

hazardous substances at the Site. The proposed removal of hazardous substances is pursuant to Section 104(a)(1) of the CERCLA, 42 U.S.C. § 9604(a)(1), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. § 300.415.

Based on the level of hazardous substances and threat to the community, this removal action is considered time-critical. The project will require an estimated 240 days to complete.

The expansion of the removal action is necessary to mitigate threats to public health, welfare, and the environment posed by the release and/or threatened release of uncontrolled hazardous substances at the Site. This removal involves (1) the extraction and proper disposal of all hazardous liquids and sludges found within onsite tanks, pits, and secondary containment structures; and (2) the safe removal and/or encapsulation of all friable asbestos whose fibers may be emitted to the outside environment.

Conditions existing at the Site present a threat to public health and the environment and meet the criteria for initiating a removal action under 40 CFR § 300.415(b) of the National Contingency Plan (NCP). The U.S. Environmental Protection Agency (EPA or the Agency) documented the presence of Trichloroethylene (TCE), Tetrachloroethylene (PCE), benzene and lead in numerous waste oil tanks onsite as well as friable asbestos containing material (ACM) on many of the pipes and process tanks. TCE, PCE, benzene, lead and asbestos are hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C § 9601(14).

There are no nationally significant or precedent setting issues associated with the change of scope sought in this Action Memorandum to the extent it seeks approval for the removal of CERCLA hazardous waste liquids from tanks and the removal/encapsulation of asbestos.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID: ILN000507312

RCRA ID: ILD000646786

State ID: none

Category: Time-Critical Removal Action

The Site consists of approximately 285,000 square feet, or 6.5 acres, located at 7601 47th Street in McCook, Illinois (Figure 1). The Site is bounded by 47th Street to the north, a Forest Preserve District woodland and the Des Plaines River to the east, railroad tracks and the Des Plaines River to the south, and a cartage company to the west (Figure 2).

Prior to January 2016, Ortek, Inc. operated on the Site as a used oil processor accepting oily wastewaters for on-site processing and storage. In December 2011, EPA conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection of the Site and identified several issues related to used oil and hazardous waste management. These issues included a failure to rebut the presumption that used oil accepted for on-site storage and processing was mixed with halogenated hazardous waste.

Later in April 2014, EPA inspected the Site for compliance with Section 311 of the Clean Water Act, 33 U.S.C. § 1321, and the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112. EPA found that Ortek had not fully implemented an appropriate spill prevention control and

countermeasure (SPCC) plan or facility response plan (FRP), nor had Ortek provided the required volume of secondary containment for all areas of the Site.

In summer 2015, EPA entered into CWA § 311 and RCRA Administrative Orders with Ortek. The orders required Ortek, among other things, to clean-close several tanks on-site that stored RCRA hazardous waste without a permit (including Tanks 101, 120, 122, 132 and 146). On October 27, 2015, Illinois EPA approved a RCRA closure plan that encompassed the affected tanks. By August 2019, all tanks identified to store RCRA hazardous waste without a permit except Tank 101 were emptied and rinsed.

In October 2015, McCook foreclosed on the main parcel of the Ortek property (PIN 18-12-101-011-0000) for back taxes, and in January 2016, Ortek, Inc. dissolved as a corporation.¹ Its former President, claimed that Ortek did not have the funds to address the contamination on Site. Starting in March 2016, Ortek sued McCook over the foreclosure action, arguing among other things that Ortek deserved both temporary and permanent necessary easements by implication over the property, and that there was tortious interference with its business relationships. By order of the Circuit Court of Cook County in June 24, 2019, and April 29, 2020, judgment was entered in favor of McCook on all counts (AR#8).

On June 27, 2019, McCook referred the site to EPA to address the material contained within Tank 101. Supplemental sampling conducted by McCook on April 5, 2019, had confirmed the presence of characteristically hazardous substances in Tank 101, the quantity of which had increased since it was last sampled by EPA in 2016.

On August 30, 2019, the Action Memorandum was signed authorizing EPA to take an action to address the contents of Tank 101. EPA and its contractors mobilized to the Site in October 2019 to begin the removal work.

On March 30, 2020, McCook requested EPA to conduct additional investigations of potential environmental hazards on parcel 011 as well as parcels 003, 021, 022, 023, 024, 048 and 049 (AR#2, AR#3, AR#4, AR#5). McCook consented for EPA to access its own parcels (011 and 048). EPA also received consent to access parcel 003 from Illinois Central Railroad Company, and parcels 022, 023, and 024 from Commonwealth Edison Company (AR#10, AR#11, AR#12). Since the owner of record for parcels 021 and 049 is a corporation (BC Ventures, Ltd.) that was involuntarily dissolved on April 10, 2015, EPA sought consent for access, since Ortek had operated on those parcels for nearly two decades; its predecessor (Moreco Energy, Inc.), for which Mr. Aughenbaugh was the lead chemist, had transferred the properties to BC Ventures. Mr. Aughenbaugh never responded to EPA's April 1, 2020, request for access. McCook petitioned the Circuit Court of Cook County to have EPA added as agents under an Administrative Search Warrant for access to all the relevant parcels, including BC Ventures. On May 1, 2020, EPA was granted access as agents on behalf of McCook to sample and assess the potential threats related to the contents of the tanks (AR#9).

¹ The largest parcel at the Site is 18-12-101-011-0000. The other parcels have similar codes (e.g. 18-12-101-003-0000). Note the underlined numbers: for simplicity, the remainder of this Action Memorandum will refer to the parcels by the fourth number in the parcel ID (e.g. parcels 011 and 003).

A. Site Description

1. Removal site evaluation

On March 16, 2020, McCook formally referred the entire Site to EPA and requested that an expanded site assessment be conducted. The expanded site assessment and sampling began on May 11, 2020. EPA, START, and ERRS initiated sampling on Parcels 003, 021, 048 and 049 to expedite sampling on the parcels not owned by McCook. Fire Chief Joe Myrick was present during the sampling on the parcels as required by the Administrative Search Warrant. The remaining tanks, pits and suspected ACM areas on parcel 011 (owned by McCook) were sampled between May 18 and June 4. During the week of May 25, EPA removed debris and prepared the site for specialized equipment to reach six tanks that were inaccessible due to high water and their location on the property.

The expanded site assessment resulted in the collection of 65 liquid/sludge samples from 45 ASTs, three trucks, four poly tanks, and three sump areas. These samples were analyzed for VOCs, SVOCs, PCBs, reactive sulfides, RCRA 8 metals, ignitability, and pH. Sampling results identified 47 tanks, pits and oil water separators containing CERCLA hazardous substances that are not indigenous to the oil refining process.² Furthermore, START collected 39 potential ACM samples from compromised tank and pipe insulation along with 14 soil samples. Twelve of the potential ACM samples were positive (Summary Table 1) while one soil sample came back above the industrial RML for lead (AR#15).

2. Physical location

The Site is located on approximately 6.5 acres in McCook, Cook County, Illinois (Figure 1). The address of the Site is 7601 47th Street. The Site's geographical coordinates are 41° 48' 20.13" north latitude and -87° 48' 45.13" west longitude. The Site is bounded by 47th Street with a bowling alley and residential neighborhood to the north, and Forest Preserve District woodland and the Des Plaines River to the east, railroad tracks and the Des Plaines River to the south, and Denton Cartage Trucking Company to the west.

An Environmental Justice (EJ) analysis for the Site is contained in Attachment 1. Screening of the surrounding area used Region 5's EJ Screening Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSCREEN)). Region 5 has reviewed environmental and demographic data for the area surrounding the Site at 7601 47th Street in McCook, Illinois and determined there is a high potential for EJ concerns at this Site.

3. Site characteristics

Under the expanded Site referral letter, the Site now includes a total of 8 parcels, two of which are owned by McCook (parcel 011 and 048). Two other parcels (parcels 021 and 049) that bound parcel 011 to the west and to the south are owned by BC Ventures. The five remaining parcels include a railroad spur owned by the Illinois Central Railroad (parcel 003) and a few utility corridors owned by ComEd (parcels 022, 023, and 024).

² See, generally, FRANKLIN ASSOCIATES, LTD., COMPOSITION AND MANAGEMENT OF USED OIL GENERATED IN THE UNITED STATES (Sept. 1984), available at <https://nepis.epa.gov/Exe/ZyPDF.cgi/9101Q6G4.PDF?Dockey=9101Q6G4.PDF>.

Limited removal actions were taken by Ortek under the State Remediation Program. According to manifests, Ortek shipped approximately 23,851 gallons of hazardous waste from Tank 101 for off-site disposal in spring 2017.

In November 2018, McCook contacted EPA and indicated that a discharge valve on Tank 101 was leaking and a large volume of liquid encompassed the secondary containment area around the tank. The leak stopped by early December 2018, and the secondary containment was not breached; however, in early February 2019, McCook reported that the liquid level in the secondary containment had increased. According to measurements collected during the April 5, 2019, sampling event, Tank 101 was estimated to contain 185,325 gallons of liquid material and 35,986 gallons of sludge.

In October 2019, EPA, START and ERRS mobilized to the Site to initiate the planned removal actions on Tank 101. The actions resulted in the proper disposal of 183,000 gallons of RCRA liquid hazardous waste, 619,000 pounds of RCRA solid hazardous waste, and 417,000 pounds of mixed RCRA/TSCA solid hazardous waste. Additionally, EPA lab packed and disposed of nearly 2,000 RCRA hazardous containers.

In May 2020, EPA, START, and ERRS conducted the expanded site assessment, which inventoried the tanks/containers remaining onsite, recorded the amount of waste material contained in each, and collected representative samples (wherever possible). In total, 45 ASTs, three trucks, four poly tanks, and three sump areas were catalogued and sampled. It is estimated that 998,259 gallons of waste material remain onsite. Of that amount, 946,006 gallons contain TCE, PCE, benzene and/or lead which are CERCLA hazardous substances as defined by 40 C.F.R. § 302.4 and are not part of the oil refining process. Toxicity characteristic limits are expressed as mg/L although concentrations for samples were reported in mg/kg. These are not directly comparable, particularly for organic liquids, but concentrations were still evaluated to TCLP limits in order to determine the toxicity of the material within the tanks. The remaining volume is characteristically consistent with used oil.

Liquid Waste Analytical Summary Table

Analyte	CAS no.	TCLP Limits (mg/L)	Range of Results (mg/kg)
Lead	7439-92-1	5	0.0053 - 460
Benzene	71-43-2	0.5	0.011 - 270
Tetrachloroethene (PCE)	127-18-4	0.7	0.0028 - 86
Trichloroethene (TCE)	79-01-6	0.5	0.0019 - 29

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

The expanded site assessment documents that several of the tanks and pits remaining onsite have CERCLA hazardous substances mixed with waste oil and sludge. Many of these tanks have leaking valves and ruptured tank level gauges and are releasing material to the secondary containments in Areas 1 and 2. Additionally, the expanded site assessment identified friable ACM material in Area 7 of the facility (Figure 2). This portion of the facility is located along the eastern edge of the Site near a path and the Des Plaines River. The friable ACM is attributable to

damaged insulation on pipes and processing tanks. The pipes and tanks are located outside and are susceptible to further weathering and offsite transmission. Site conditions support the potential release of hazardous substances offsite, including the friable ACM.

Off-site migration of the documented hazardous wastes (e.g. by breach of the containment wall) would greatly increase the potential exposure to nearby human populations, animals, and the food chain. Trespassers on Site may be exposed to halogenated compounds that may be present in secondary containment as well as the friable ACM. McCook documented several instances of trespassing at the Site and have installed a surveillance system to deter people from entering the property illegally. Rainfall or flooding may cause the secondary containment around Area 1 to overflow, potentially carrying hazardous waste to the Forest Preserve Property and the nearby Des Plaines River. EPA documented an incident of this occurring on May 17, 2020, while removal activities were on going to address Tank 101. The Chicago metropolitan area experienced a flash flood event resulting in 3 inches of rain falling within a 24-hour period. This rain event caused the Des Plaines River to flood, breaching the boundaries of the Site. The flood water deposited fish and water snakes in the parking lot and the shipping/receiving bay on the Site. Photo Log 1 documents the flooding conditions found at the site and along the Des Plaines River.

5. NPL status

The Site is not on the National Priority List (NPL), nor is it anticipated to be referred to the NPL site assessment program.

6. Maps, pictures and other graphic representations

Enforcement Addendum

Figure 1 Site Location Map

Figure 2 Site Layout Map

Summary Table 1 Asbestos Analytical

Photo Log 1 Photo Log of Site Flooding from Des Plaines River

Attachment 1 Environmental Justice Analysis

Attachment 2 Detailed Cleanup Contractor and START Estimate

Attachment 3 Independent Government Cost Estimate

Attachment 4 Administrative Record

B. Other Actions to Date

1. Previous actions

On July 28, 2015, EPA filed a RCRA Administrative Consent Order with the company to resolve the violations from the 2011 inspection. The order required Ortek to clean close several tanks on-site that stored RCRA hazardous waste without a permit (namely, Tanks 101, 120, 122, 132, and 146). On October 27, 2015, Illinois EPA approved a RCRA closure plan encompassing the affected tanks. By October 2019, all tanks except Tank 101 were emptied and rinsed. The RCRA and CWA § 311 orders had identical injunctive relief, and they also both included construction of secondary containment, which Ortek completed.

Following the November 2016 Site Assessment, EPA issued a General Notice of Potential Liability on February 8, 2017, (AR Attachment A)³, requesting that Ortek address the contents of Tank 101. Limited removal actions were taken by Ortek pursuant to the RCRA and CWA § 311 Administrative Orders: according to manifests submitted to EPA, Ortek shipped approximately 23,851 gallons of hazardous waste from Tank 101 for off-site disposal up through spring 2017. At that point, McCook restricted access to the Site, since they believed the owner was continuing to operate the Site as a used oil processor instead of timely completing remediation of Tank 101. Ultimately Ortek did not adequately or timely address the contents of Tank 101.

On August 30, 2019, EPA issued the Action Memorandum, “*Request for Approval and Funding for a Time-Critical Removal Action at the Ortek, Inc. Site, McCook, Cook County, Illinois*” (AR Attachment A) authorizing the expenditure of funds to remove, transport and properly dispose of liquid waste from Tank 101. The removal resulted in the following:

- 1) Removal and disposal of 183,880 gallons of RCRA liquid hazardous waste.
- 2) Removal and disposal of 613,920 pounds of RCRA solid hazardous waste
- 3) Removal and disposal of 25,000 pounds of RCRA debris.
- 4) Removal and disposal of 417,834 pounds of RCRA/TSCA mixed solid waste.
- 5) Removal and disposal of 25,000 pounds of RCRA/TSCA debris.
- 6) Removal and disposal of 51 containers and totes of RCRA hazardous waste.
- 7) Removal and disposal of 19 RCRA/TSCA waste drums and totes.
- 8) Lab packed roughly 2,000 hazardous materials and containers.

2. Current actions

No current response actions by the State or local authorities are underway at the Site.

C. State and Local Authorities’ Roles

1. State and local actions to date

On October 27, 2015, Illinois EPA approved a RCRA closure plan submitted by Ortek pursuant to the 2015 CWA § 311 and RCRA orders (AR Attachment A). By October 2019, all tanks on Site covered by the orders (120, 122, 132 and 146) were emptied and rinsed except Tank 101.

Illinois EPA performed a Site inspection on November 30, 2017, and observed wastes in a truck. According to Ortek’s office manager for the Site, the waste was generated from soils/gravel excavated from the trench on the eastern perimeter of the property. The waste was heavily impacted with oil. Illinois EPA observed the trench where the waste was allegedly generated, and the waste in the truck bed appeared to be consistent with the trench material. Illinois EPA files indicated that the Site was once enrolled in the Site Remediation Program regarding impacted soils and groundwater, but never completed the program. In addition to the trench waste, there were several unlined roll-off

³ Each document referred by “AR Attachment A” is included in the previous Action Memorandum approved on August 30, 2019.

boxes containing an oily waste generated from the pit connected to the facility's wastewater treatment unit.

The Village of McCook Fire Chief issued a Seal Order to Ortek on July 8, 2019, prohibiting Ortek from conducting work on parcels 049 and 021. The access road to those parcels were barricaded and chained off to prevent any additional material from being brought on site. Subsequently, McCook obtained an Administrative Search Warrant for access to sample Tank 101 located on parcel 011.

2. Potential for continued State/local response

U.S. EPA sent an Information exchange and Request for State ARARs for the Ortek Site to Illinois EPA on November 30, 2018, (AR Attachment A). As documented in a December 4, 2018, letter from Illinois EPA (AR Attachment A), the State provided EPA with a list of ARARs and communicated that they do not have the resources (personnel and/or monetary) at this time to address the potential release to the environment posed by Tank 101 at the Site. Similarly, as documented in the June 27, 2019, letter from McCook (AR Attachment A), the Village does not have the resources to address the potential release to the environment.

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

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

300.415(b)(2)(iii) – Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that may pose a threat of release.

Hazardous Oil

EPA conducted two site assessments at the Ortek Site. The initial site assessment in November 2016 was specifically to identify the contents of Tank 101 and establish a threat of a release. Results from that assessment showed that liquid waste and sludge samples collected from Tank 101 exceeded hazardous waste toxicity standards, qualifying both materials as hazardous waste. These sample results were further supported with supplemental sampling collected on April 5, 2019, by a contractor for McCook indicated that the PCE and TCE levels did not meet the hazardous waste criteria for toxicity, however they were still present in the samples. Benzene was detected above the hazardous toxicity standard.

The second site assessment conducted in May 2020, was in response to the supplement site referral from McCook. The referral requested EPA to evaluate all the remaining hazards at the facility and document the contents of all the tanks, pits, container and oil water separators. Similar to what was found in Tank 101, forty-seven tanks, pits and oil water separators sampled contained used waste oil mixed with lead (0.0053-460 mg/kg), benzene (0.011-270 mg/kg), PCE (0.0028-86 mg/kg), and/or TCE(0.0019-29 mg/kg) (AR# 15).

The Agency for Toxic Substances and Disease Registry (ATSDR) has studied the health effects of these hazardous substances, and information about each is provided below and referenced in the Administrative Record (Attachment 4).

Breathing very high levels of benzene can result in death, while high levels can cause drowsiness, dizziness, rapid heart rate, headaches, tremors, confusion, and unconsciousness. Eating or drinking foods containing high levels of benzene can cause vomiting, irritation of the stomach, dizziness, sleepiness, convulsions, rapid heart rate, and death. Long-term exposure to high levels of benzene in the air can cause leukemia, particularly acute myelogenous leukemia, often referred to as AML.

The major effect of benzene from long-term exposure is on the blood. Benzene causes harmful effects on the bone marrow and can cause a decrease in red blood cells leading to anemia. It can also cause excessive bleeding and can affect the immune system, increasing the chance for infection. Some women who breathed high levels of benzene for many months had irregular menstrual periods and a decrease in the size of their ovaries, but we do not know for certain that benzene caused the effects. It is not known whether benzene will affect fertility in men (AR Attachment A).

High concentrations of PCE can cause dizziness, headache, sleepiness, confusion, nausea, difficulty in speaking and walking, unconsciousness, and death. Irritation may result from repeated or extended skin contact with it. These symptoms occur almost entirely in work (or hobby) environments when people have been accidentally exposed to high concentrations or have intentionally used PCE to get a “high.” The Department of Health and Human Services (DHHS) has determined that PCE may reasonably be anticipated to be a carcinogen. PCE has been shown to cause liver tumors in mice and kidney tumors in male rats (AR Attachment A).

Breathing small amounts of TCE may cause headaches, lung irritation, dizziness, poor coordination, and difficulty concentrating. Breathing large amounts of TCE may cause impaired heart function, unconsciousness, and death. Breathing it for long periods may cause nerve, kidney, and liver damage. Drinking large amounts of TCE may cause nausea, liver damage, unconsciousness, impaired heart function, or death. Drinking small amounts of TCE for long periods may cause liver and kidney damage, impaired immune system function, and impaired fetal development in pregnant women, although the extent of some of these effects is not yet clear. Skin contact with TCE for short periods may cause skin rashes. Some studies of people exposed over long periods to high levels of TCE in drinking water or in workplace air have found evidence of increased cancer (AR Attachment A).

Asbestos

On May 19, 2020, EPA and START performed an asbestos survey using a licensed Illinois asbestos inspector. The inspector conducted a visual inspection of weather compromised exterior Ortek pipelines and storage tanks. Suspect ACM and its locations were identified and documented during the visual inspection (AR# 15). Sampling results indicate that of the 39 samples collected, 14 contained asbestos, seven of which were deemed friable. The types of asbestos identified were Amosite (ranging from 10% to 65%) and Chrysotile (ranging from 5% to 80%). The samples were collected from piping and storage tanks insulation as well as boilers and manway gaskets.

Asbestos is a hazardous substance as defined by 40 C.F.R. § 302.4 of the NCP. 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 exterior insulation jackets on several of the vertical tanks and overhead pipes are missing, exposing the friable asbestos. These outdoor tanks and overhead pipes are located immediately the west of the Des Plaines River and a walking path. The exposed friable asbestos can be released offsite, potentially causing an inhalation threat.

Currently, the Site has only one parcel fenced off. However, this has not prevented repeated acts of trespassing, vandalism and possible arson at the site. The area of the site where most of the ACM was identified is along the eastern portion of the Site which abuts the Des Plaines River and a walking path and a residential neighborhood across the street. The fencing along this section of the Site is compromised and is suspected to be the access point for many of the trespassing incidents at the site. EPA installed signs and blocked access to this portion of the Site; however, it has not precluded people from entering the area.

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

Hazardous Oil

As noted for 300.415(b)(2)(iii), above, based on the Site assessments EPA conducted in November 2016 and May 2020 the liquid waste and sludge samples during EPA's Site assessments exceeded hazardous waste toxicity standards, qualifying both materials as hazardous waste. Samples had exceedances of benzene, PCE, and TCE. Supplemental sampling conducted by McCook in May 2019 showed that the liquid and sludge was still above the hazardous waste toxicity standard (benzene). PCE and TCE were still present in the liquid and sludge samples but below the standard. Furthermore, 47 of the tanks, pits and oil water separators sampled in May 2020 contained used waste oil mixed with benzene, lead, PCE, and/or TCE (AR# 15).

Cook County, Illinois receives a substantial amount of precipitation, and temperatures are normally below freezing during the winter, with regular snowfall. In the winter, the average temperature is 25.1° F and the average daily minimum temperature is 17.3° F. In the summer, the average temperature is 71.7° F, and the average daily maximum temperature is 81.7° F. In addition, the average total annual precipitation in Cook County is 38.65 inches and the average seasonal snowfall is 32.6 inches. This precipitation may cause the hazardous substances found in the remaining tanks, pits, and oil water separators to breach the secondary containment and migrate off-site. This was observed a few times when conducting the removal of Tank 101. The secondary containment located in Area 1 became inundated with water causing liquid to breach cracks in walls discharging material to the nearby loading rack. Also, a rain event on May 17, 2020, caused the Des Plaines River to overflow flooding the Forest Preserve Property and the Ortek Site.

Asbestos

As discussed, a majority of the ACM is located outside and susceptible to weathering and degradation. The insulation covering is falling off most of the tanks and several of the tanks have trees growing between the asbestos insulation and the tank walls. Over time, as the trees

grow and the remaining ACM is exposed to winds and rain, it will increase the chance of ACM becoming friable and being released offsite. The prevailing wind direction is to the north-northeast. Immediately to the north of the site is a residential area which may be impacted by fugitive ACM.

300.415(b)(2)(vi) – Threat of fire or explosion.

Samples collected during EPA’s initial site investigation showed that liquid waste in these tanks may be hazardous due to ignitability. Materials collected during the 2016 site assessment had a flashpoint less than 140 °F, classifying them as ignitable under 40 C.F.R. § 261.21. Subsequent samples collected by McCook and EPA in 2019 showed that the ignitability threat is no longer existent. However, given that the tanks sampled in May 2020 have phased material and samples were not collected at different depths, there is the potential for some phased material to retain ignitability characteristics.

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

Based on information in the December 4, 2018, ARAR letter from Illinois EPA, the State does not have the funds or resources at this time to respond to a time-critical removal action of this magnitude required by conditions at the Site (AR Attachment A).

IV. 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 12 months and \$2 million unless response actions meet emergency and/or consistency exemptions. The quantities and levels of hazardous substances (benzene, PCE, TCE) found in tanks at the Site warrant application of the \$2 million and 12-month time frame exemptions.

The conditions present at the Site warrant an emergency exemption to the statutory limits based on the following factors:

Emergency Exemption:

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

The Ortek Site contains several tanks, pits and oil water separators containing nearly one million gallons of used oil contaminated with PCE, TCE, benzene and lead. The secondary containment which houses these tanks are in poor condition and have documented releases. PCE and TCE concentrations are provided in the *Liquid Waste Analytical Summary Table* provided in Section II of this memo. As documented on May 17, 2020, there was a significant rain fall event that caused the Des Plaines River to flood inundating the site with water. Several of the secondary containments as well as the area around the large American Petroleum Institute (API) separator were impacted. The secondary containment in Area 1 is compromised and has several cracks in the walls and floors. The valves on tanks 31 and 143 have slow leaks. During the removal of Tank 101, an unlined sump was found in the secondary containment. This sump was plugged,

however, there are several other sumps within the secondary containment that are constructed with 5-gallon buckets encased in concrete. Given the potential freeze and thaw effect, the integrity of these sumps is questionable and not sustainable long-term. Additionally, several of the process vessels, piping and gaskets located in Area 7 contain ACM. Area 7 is located on the eastern edge of the property near the Des Plaines River. The identified ACM is in poor condition and determined to be friable as provided in Summary Table 1. Along the 47th Street north border of the facility is a bowling alley and a residential neighborhood. The prolonged exposure of the ACM to the elements and the prevailing wind direction could release fiber offsite into the surrounding community.

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

The current condition of the secondary containment structures, tanks, and compromised insulation presents an imminent threat to human health and the environment as documented above. Continued response actions are immediately required to mitigate exposure to nearby residents and businesses to hazardous substances as well as prevent a release offsite to the Des Plaines River. The Ortek facility has been vacant for 2 years and maintenance is not occurring at the site to prevent any offsite releases. The Des Plaines River is immediately to the east of the property and flows through the Ottawa Trail woods which is a heavily used recreation land. Adults and children may be exposed to hazardous substances from normal foot traffic and use of their property. The response actions will prevent, limit, and mitigate threats to human health including sensitive populations.

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

Neither state nor local agencies have the resources to conduct this work. Without this removal action by EPA, assistance will not be provided on a timely basis.

V. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the known contamination on Site, 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 Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

VI. 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, welfare, or the environment. The removal activities on Site will include:

- 1) Update and implement a Site Health and Safety Plan (to include a Perimeter Air Monitoring and Sampling Plan) and develop measures to control dust during the removal and deconstruction of the tanks on Site.
- 2) Update the Site-specific Work Plan, Quality Assurance Project Plan (QAPP), and Emergency Contingency Plan as needed.
- 3) Update and implement a Site-specific sampling plan, to conduct additional disposal characterization of wastes from the tanks on Site, as needed, for waste profile purposes.
- 4) Remove and properly dispose of hazardous liquids and sludges from the remaining tanks, pits, totes, drums, containers and secondary containment onsite.
- 5) As appropriate, remove and properly dispose of contaminated soil associated with underground piping, sumps, tanks or spilled material.
- 6) Characterize, segregate, load, transport, and dispose of readily identifiable ACM wastes from all tanks, pipes and pits at an EPA-approved disposal facility in accordance with EPA's Off-Site Rule (40 C.F.R. § 300.440).
- 7) Decontaminate tanks, pits, secondary containment areas, and heavy equipment as necessary, and appropriately dispose of decontamination water.
- 8) As necessary, deconstruct tanks and remove tanks, pits and totes from the Site. Action will only be taken if tanks are structurally compromised, pose a safety risk or if needed to access other tanks.
- 9) Transport and dispose of or recycle all characterized or identified hazardous substances, pollutants, wastes, or contaminants that pose a substantial threat of release at EPA-approved disposal facilities in accordance with EPA's Off-Site Rule (40 C.F.R. § 300.440).
- 10) Take any necessary response actions to address any Site-related release or threatened release of a hazardous substance, pollutant, or contaminant that the EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP (40 C.F.R. § 300.415(l)).

The threats posed by the hazardous waste contents of the remaining tanks, pits and containers identified in the expanded site assessment report meet the criteria listed in Section 300.415(b) of the NCP (40 C.F.R. § 300.415(b)), and the response actions proposed herein are consistent with any long-term remedial actions which may be required. However, removal of hazardous substances, pollutants and contaminants that pose a substantial threat of release are expected to greatly minimize requirements for post-removal Site controls. Upon completion of this removal, all documentation of the removal will be provided to EPA's Land, Chemicals, and Redevelopment Division for proper close out through RCRA.

Off-Site Rule

All hazardous substances, pollutants, or contaminants removed off-site pursuant to this removal action for treatment, storage, or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule at 40 C.F.R. § 300.440.

2. Contribution to remedial performance

The proposed action will not impede future actions based on available information. No long-term remedial actions are identified for the Site at this time.

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

Not Applicable.

4. Applicable or relevant and appropriate requirements (ARARs)

On November 30, 2018, EPA Region 5 sent a letter to Bruce Everetts with Illinois EPA requesting the State to identify ARARs for this time-critical removal action (AR Attachment A). Mr. Everetts responded in a letter dated December 4, 2018, that identified potential State ARARs (AR Attachment A). On October 1, 2020, EPA Region 5 sent a supplemental ARAR request to Jerry Willman with Illinois EPA to identify requirements related to the asbestos removal. Mr. Willman responded by email (AR# 14) on October 13, 2020, indicating that the State of Illinois does not have its own statutes regarding asbestos removal and merely follows the federal regulations (40 CFR Part 61, Subpart M, Asbestos NESHAP).

All Federal and State ARARs will be complied with to the extent practicable considering the exigencies of the circumstances.

5. Project Schedule

The removal activities are expected to take approximately 240 on-site working days to complete.

B. Estimated Costs

The Independent Government Cost Estimate is presented in Attachment 3 and the detailed cleanup contractor cost is presented in Attachment 2. The estimated project costs are summarized below:

REMOVAL ACTION PROJECT CEILING ESTIMATE			
<u>Regional Removal Allowance Costs:</u>	<u>Current Ceiling</u>	<u>Proposed Increase</u>	<u>Propose Ceiling</u>
Total Cleanup Contractor Costs (This cost category includes estimates for ERRS, subcontractors, Notices to Proceed, and Interagency Agreements with Other Federal Agencies. Include a 20% contingency)	\$1,657,140	\$3,348,160	\$5,005,299
<u>Other Extramural Costs Not Funded from the Regional Allowance:</u>			
Total START, including multiplier costs	\$53,000	\$115,000	\$168,000
<u>Subtotal</u> Extramural Costs	\$1,710,140	\$3,463,160	\$5,173,299
Extramural Costs Contingency (15% of Subtotal, Extramural Costs)	\$256,521	\$519,474	\$775,995
TOTAL REMOVAL ACTION PROJECT CEILING	\$1,966,661	\$3,982,634	\$5,949,294

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants, or contaminants at the Site which may pose an imminent and substantial endangerment to public health and safety, and the environment. These response actions do not impose a burden on the 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 the Site conditions, the nature of the hazardous substances and pollutants or contaminants documented on Site, and the potential exposure pathways to nearby populations described in Sections II, III and IV, above, and actual or threatened release of hazardous substances and pollutants or contaminants from the Site, failing to take or delaying action may present an imminent and substantial endangerment to public health, welfare, or the environment, increasing the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment.

VIII. OUTSTANDING POLICY ISSUES

None.

IX. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Confidential Enforcement 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 \$10,957,382. ¹

$$(\$5,949,294 + \$150,000) + (79.65\% \times \$6,099,294) = \$10,957,382$$

X. RECOMMENDATION

This decision document represents the selected removal action for the Ortek, Inc. Site, McCook, Cook County, Illinois, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the Site (Attachment 4). Conditions at the Site meet the NCP criteria at 40 C.F.R. § 300.415(b) for a time-critical removal. I recommend your approval of the removal action proposed in this Action Memorandum.

The total project ceiling if approved will be \$5,949,294 of which an estimated \$5,005,299 may be used for cleanup contractor costs. You may indicate your approval by signing below.

2/2/2021

Approve:

X



Date: 2/2/21

Douglas Ballotti, Director
Superfund & Emergency Management Division
Signed by: DOUGLAS BALLOTTI

Disapprove:

X

Date: _____

Douglas Ballotti, Director
Superfund & Emergency Management Division

Enforcement Addendum

¹ 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.

Attachments:

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

cc: S. Ridenour, U.S. EPA 5104A (email: ridenour.steve@epa.gov)
L. Nelson, U.S. Department of Interior, **w/o Enf. Attachment** (email: Lindy_Nelson@ios.doi.gov)
J. Willman, Illinois EPA, **w/o Enf. Addendum** (email: jerry.willman@illinois.gov)

bcc:

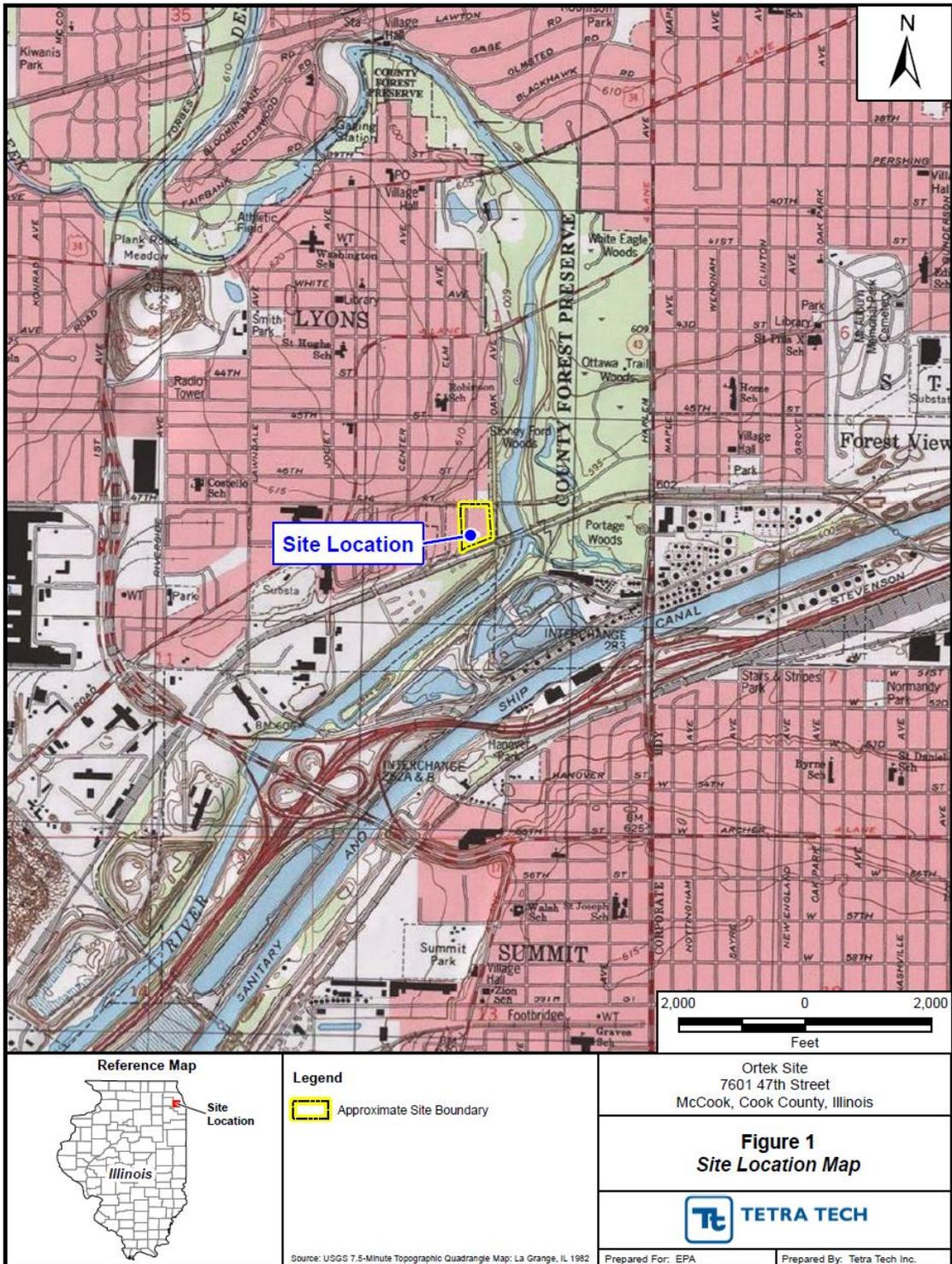
[Redacted]

**ENFORCEMENT ADDENDUM
HAS BEEN REDACTED – FIVE PAGES**

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY
FOIA EXEMPT**

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

Figure 1 Site Location Map



File Path: C:\temp\Ortek Site\mxd\Fig 1-Site Location1.mxd

Date Saved: 11/10/2016

EPA Contract No.: EP-S5-13-01

TDD No.: 505-0001-1610-007

Prepared For: EPA

Prepared By: Tetra Tech Inc.

Coordinate System: GCS WGS 1984
Datum: WGS 1984
Units: Degree

Figure 2
Site Layout Map



**Summary Table 1
Asbestos Analytical**

Sample ID	Material Description and Location	Material Condition	Estimated Quantity	Material Friability	Asbestos Content
OS-SACM-01-05192020	T1 Bottom insulation	Significantly damaged	N/A	N/A	70% Chrysotile
OS-SACM-02-05192020	Tank T6 insulation	Damaged	4046 square feet per Tank	Friable	10% Chrysotile
OS-SACM-03-05192020	Black pipe wrap overhead near T4 tank	Significantly Damaged	200 linear feet	Friable	ND
OS-SACM-04-05192020	Pipe insulation overhead near T4	Significantly Damaged	200 linear feet	Friable	55% Amosite
OS-SACM-05-05192020	Tank T4 insulation	Significantly Damaged	4046 square feet per tank	Friable	5% Chrysotile
OS-SACM-06-05192020	Tank T4 insulation	Significantly Damaged	4046 square feet per tank	Friable	Off-white insulation is ND Black insulation is 7% Chrysotile
OS-SACM-07-05192020	Tank T4 caulking	Good	N/A	Non-friable	ND
OS-SACM-08-05192020	Tank T4 gasket	Damaged	Every storage tank	Non-friable	80% Chrysotile
OS-SACM-09-05192020	Tank T3 insulation	Significantly Damaged	4046 square feet per tank	Friable	ND
OS-SACM-10-05192020	Tank T3 insulation	Significantly Damaged	4046 square feet per Tank	Friable	Black insulation is 10% Chrysotile White insulation is ND

Sample ID	Material Description and Location	Material Condition	Estimated Quantity	Material Friability	Asbestos Content
OS-SACM-11-05192020	Gray pipe insulation near transite building	Damaged	400 linear Feet	Friable	ND
OS-SACM-12-05192020	White pipe insulation near transite building	Damaged	400 linear Feet	Friable	ND
OS-SACM-13-05192020	Transite panel	Damaged	2,000 square feet	Non-friable	15% Chrysotile
OS-SACM-14-05192020	Transite panel	Damaged	2,000 square feet	Non-friable	15% Chrysotile
OS-SACM-15-05192020	Furnace insulation transite building	Significantly Damaged	500 square feet	Friable	ND
OS-SACM-16-05192020	Furnace insulation transite building	Significantly Damaged	500 square feet	Friable	Black insulation is 15% Chrysotile White insulation is ND
OS-SACM-17-05192020	Small pipe insulation 2nd floor transite building	Significantly Damaged	400 linear Feet	Friable	ND
OS-SACM-18-05192020	XL furnace insulation Area 3	Damaged	200 linear Feet	Friable	ND
OS-SACM-19-05192020	XL furnace insulation Area 3	Damaged	800 Square feet	Friable	ND
OS-SACM-20-05192020	XL furnace gasket Area 3	Damaged	800 square feet	Friable	ND

Sample ID	Material Description and Location	Material Condition	Estimated Quantity	Material Friability	Asbestos Content
OS-SACM-21-05192020	Small Furnace Insulation Area 3	Significantly Damaged	402 square feet	Friable	ND
OS-SACM-22-05192020	Small Furnace Insulation Area 3	Significantly Damaged	402 square feet	Friable	ND
OS-SACM-23-05192020	Fallen pipe insulation debris	Significantly Damaged	200 linear Feet	Friable	65% Amosite
OS-SACM-24-05192020	Tank T1 insulation	Significantly Damaged	4046 square feet per Tank	Friable	ND
OS-SACM-26-05192020	Black debris near lab building south side	Significantly Damaged	200 linear Feet	Friable	ND
OS-SACM-27-05192020	Tank 316 tank gasket	Damaged	2 linear feet	Non-friable	ND
OS-SACM-28-05192020	Near tank 101 fibrous pipe insulation	Significantly Damaged	50 linear Feet	Friable	ND
OS-SACM-29-06022020	Tank T1 bottom insulation	N/A	N/A	N/A	Brown insulation is ND Tan insulation is 8% Chrysotile White insulation is ND
OS-SACM-30-06022020	Tank T1 top insulation	N/A	N/A	N/A	Brown insulation is 10% Chrysotile Black semi-fibrous material/ Silver Paint is ND

Sample ID	Material Description and Location	Material Condition	Estimated Quantity	Material Friability	Asbestos Content
OS-SACM-31-06022020	Tank T1 top pipe insulation	N/A	N/A	N/A	White Insulation is ND
OS-SACM-32-06022020	Tank T2 top insulation	N/A	N/A	N/A	Brown insulation is 10% Chrysotile Black semi-fibrous material/ Silver Paint is ND
OS-SACM-33-06022020	Tank T1 through T2 pipe insulation	N/A	N/A	N/A	ND
OS-SACM-34-06022020	Tank T3 bottom insulation	N/A	N/A	N/A	ND
OS-SACM-35-06022020	Tank T3 top white insulation	N/A	N/A	N/A	ND
OS-SACM-35-06022020	Tank T3 top brown insulation	N/A	N/A	N/A	ND
OS-SACM-37-06022020	Tank T5 top white insulation	N/A	N/A	N/A	ND
OS-SACM-38-06022020	Tank T4 top brown insulation with black wrapping	N/A	N/A	N/A	Brown insulation is 10% Amosite Black semi-fibrous material/ Silver Paint is ND
OS-SACM-39-06022020	Tank T4 bottom white insulation black wrapping	N/A	N/A	N/A	Brown insulation is ND Tan insulation is 8% Chrysotile Black semi-fibrous material is ND

Photo Log 1 Ortek Flooding Photo Log

Ortek, Inc. - Site Flooding Photo Log Facility on 05/18/2020 05/20/2020

Photos taken by Jacob Hassan, On-Scene Coordinator with US EPA

Camera: iPhone



1: IMG_0236

Time of Photo Taken: May 18, 2020, at 11:36 am CST

Compass Direction: East

Description: Des Plaines River flooding adjacent to the Ortek Site a day after heavy rainfall.



2: IMG_0239

Time of Photo Taken: May 19, 2020 at 8:19 am CST

Compass Direction: Southwest

Description: Sheen appearing outside of secondary containment after the flooding event due to the poor condition of the concrete wall.



3: IMG_0241

Time of Photo Taken: May 19, 2020, at 8:22 am CST

Compass Direction: Northwest

Description: Flooding occurring along the eastern perimeter of the Ortek site which runs parallel to the Des Plaines River.



4: IMG_0243

Time of Photo Taken: May 19, 2020, at 8:23 am CST

Compass Direction: Southeast

Description: The drainage ditch to the east of the Ortek site is full of water and discharging into the Site.



5: IMG_0250 (1)

Time of Photo Taken: May 20, 2020, at 12:18 pm CST

Compass Direction: South

Description: A midland water snake found in the parking lot of the Ortek site after the Des Plaines river flooded the property.



6: IMG_0252

Time of Photo Taken: May 20, 2020, at 12:25 CST

Compass Direction: South

Description: The Des Plaines river over topping the flood plains and large amounts of debris are trapped by the railroad bridge due to the high water levels.



7: IMG_0234

Time of Photo Taken: May 18, 2020, at 11:35 am CST

Compass Direction: East

Description: This is a view of the Des Plaines River taken from the eastern boundary of the Ortek Site.



8: Video screen shot from IMG_0237

Time of Photo Taken: May 18, 2020, at 2:56 pm CST

Compass Direction: East

Description: These bass were found in the parking lot of the Ortek Site flowing heavy flooding from the Des Plaines River. These fish trapped in the flooded parking lot after the waters receded.

ATTACHMENT 1

Environmental Justice Analysis Ortek, Inc. Site McCook, Illinois



EJSCREEN Report (Version 2018)



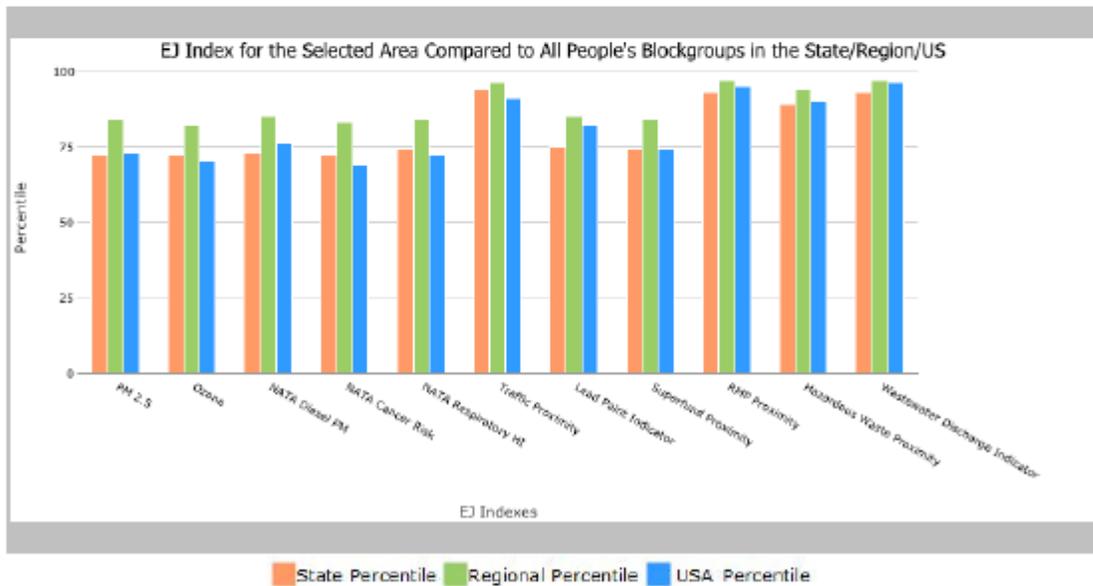
1 mile Ring around the Area, ILLINOIS, EPA Region 5

Approximate Population: 13,731

Input Area (sq. miles): 3.62

Ortek Site

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	72	84	73
EJ Index for Ozone	72	82	70
EJ Index for NATA [*] Diesel PM	73	85	76
EJ Index for NATA [*] Air Toxics Cancer Risk	72	83	69
EJ Index for NATA [*] Respiratory Hazard Index	74	84	72
EJ Index for Traffic Proximity and Volume	94	98	91
EJ Index for Lead Paint Indicator	75	85	82
EJ Index for Superfund Proximity	74	84	74
EJ Index for RMP Proximity	93	97	95
EJ Index for Hazardous Waste Proximity	89	94	90
EJ Index for Wastewater Discharge Indicator	93	97	96



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. 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 block group 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. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

July 23, 2019

1/3

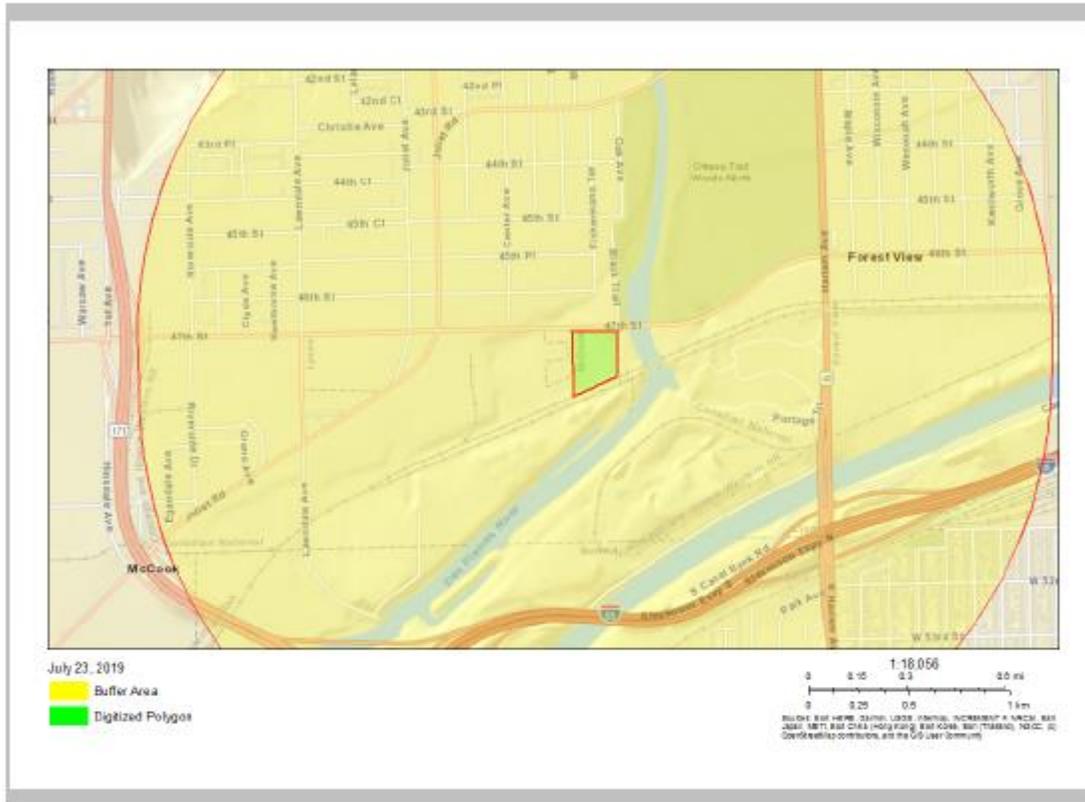
July, 2019

1 mile Ring around the Area, ILLINOIS, EPA Region 5

Approximate Population: 13,731

Input Area (sq. miles): 3.62

Ortek Site



Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	5

EJSCREEN Report (Version 2018)



1 mile Ring around the Area, ILLINOIS, EPA Region 5

Approximate Population: 13,731

Input Area (sq. miles): 3.62

Ortek Site

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	13.2	12.1	88	10.8	96	9.53	96
Ozone (ppb)	42.4	43.3	21	42.6	36	42.5	48
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	1.47	1.28	66	0.932	80-90th	0.938	80-90th
NATA* Cancer Risk (lifetime risk per million)	39	36	75	34	70-80th	40	<50th
NATA* Respiratory Hazard Index	2.4	1.9	79	1.7	80-90th	1.8	70-80th
Traffic Proximity and Volume (daily traffic count/distance to road)	1500	510	93	370	94	600	91
Lead Paint Indicator (% Pre-1960 Housing)	0.61	0.41	67	0.38	75	0.29	82
Superfund Proximity (site count/km distance)	0.061	0.091	60	0.12	59	0.12	56
RMP Proximity (facility count/km distance)	7.3	1.1	99	0.81	99	0.72	99
Hazardous Waste Proximity (facility count/km distance)	8.4	2.1	95	1.5	97	4.3	94
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.48	0.44	91	4.2	95	30	94
Demographic Indicators							
Demographic Index	47%	34%	71	28%	81	36%	70
Minority Population	55%	38%	71	25%	84	38%	70
Low Income Population	36%	31%	67	32%	66	34%	62
Linguistically Isolated Population	11%	5%	83	2%	92	4%	84
Population With Less Than High School Education	16%	12%	73	10%	78	13%	68
Population Under 5 years of age	7%	6%	62	6%	63	6%	61
Population over 64 years of age	13%	14%	54	15%	47	14%	51

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

ATTACHMENT 2

**DETAILED CLEANUP CONTRACTOR AND START
ESTIMATE HAS BEEN REDACTED – ONE PAGE**

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

ATTACHMENT 3

INDEPENDENT GOVERNMENT COST ESTIMATE

HAS BEEN REDACTED – THREE PAGES

NOT RELEVANT TO SELECTION

OF REMOVAL ACTION

ATTACHMENT 4

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

**ADMINISTRATIVE RECORD
FOR THE
ORTEK, INC. SITE
MC COOK, COOK COUNTY, ILLINOIS**

**AMENDMENT 1
NOVEMBER 2020
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	962014	12/11/19	Hassan, J., U.S. EPA	File	Memorandum - Abandoned Chemicals found in Processing Buildings	16
2	956122	3/16/20	Myrick, J., McCook Fire Department	Peachey, R., U.S. EPA	Letter re: Removal Action Expansion Request	2

**THE FOLLOWING THREE DOCUMENTS ARE ATTACHMENTS TO THE ABOVE
LETTER, DOCUMENT ID # 956122 (ATTACHMENT A IS IN THE ORIGINAL
ADMINISTRATIVE RECORD INDEX)**

3	962019	3/6/20	Murphy, T., Circuit Court of Cook County, Illinois	General Public	Administrative Search Warrant (Attachment D)	29
4	962015	3/6/20	Myrick, J., McCook Fire Department	State of Illinois, Cook County	Return on Administrative Search Warrant Issued December 16, 2019 (Attachment B)	43

5	962018	Undated	Clerk of the Circuit Court of Cook County, Illinois	-----	Complaint for an Administrative Search Warrant, plus Exhibits (Attachment C)	62
6	962022	4/1/20	Aughenbaugh, L., c/o Sullivan, K., The Quinlan Law Firm, LLC	Peachey, R., U.S. EPA	Letter re: Consent for Access to Property	5
7	962021	4/1/20	Sullivan, K., The Quinlan Law Firm, LLC	Peachey, R., U.S. EPA	Email re: Consent for Access to Property	3
8	962008	4/29/20	Clerk of the Circuit Court of Cook County, Illinois	-----	Memorandum Opinion and Order, Case No. 2017-CH-10529	21
9	962011	5/1/20	Clerk of the Circuit Court of Cook County, Illinois		Amended Administrative Search Warrant	14
10	962013	5/7/20	Verkler, R., Illinois Central Railroad Company	U.S. EPA	Consent for Access to Property	1
11	962016	5/7/20	Verkler, R., Illinois Central Railroad Company	Hassan, J., U.S. EPA	Cover Letter to Letter re: Consent for Access to Property	2
12	962012	5/18/20	Bulthaup, T., ComEd	Hassan, J., U.S. EPA	Letter re: Consent for Access to Property	3
13	962020	5/20/20	Hassan, J., U.S. EPA	File	Site Flooding Photo Log	8
14	962017	10/13/20	Willman, J., Illinois EPA	Hassan, J., U.S. EPA	Email re: Supplemental ARAR Request	2

15	956123	10/19/20	Renner, C., Tetra Tech	Hassan, J., U.S. EPA	Site Assessment Report - Revision 1	95
16	-----	-----	Hassan, J., U.S. EPA	-----	Action Memorandum - Request for Approval and Funding for a Time-Critical Removal Action Amendment 1 (Pending)	-----