UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH 1
25089 CENTER RIDGE ROAD
WESTLAKE, OH 44145

DEC 18 2009

EPA Region 5 Records Ctr.
347936

MEMORANDUM

SUBJECT: **ACTION MEMORANDUM** - Request for a Time-Critical Removal Action at the Meridian Automotive Systems Site, Jackson, Jackson County, Ohio (Site ID #B5UH)

FROM: Lori Muller, On-Scene Coordinator
Emergency Response Branch 1 - Section 1

THRU: Jason H. El-Zein, Chief
Emergency Response Branch 1

TO: Richard C. Karl, Director
Superfund Division

I. PURPOSE

The purpose of this Memorandum is to request and document your approval to expend up to $519,251 in order to conduct a time-critical removal action to eliminate an imminent and substantial threat to public health, welfare, and the environment at the Meridian Automotive Systems (MAS) Site in Jackson, Ohio (MAS Jackson Site or Site). The presence of hazardous substances as defined by 40 Code of Federal Regulations, Part 302.4, has been documented by the U.S. EPA during a Site assessment performed on October 28 and 29, 2009. The proposed removal action is necessary in order to mitigate the immediate threat to public health, welfare, and the environment posed by the hazardous substances present at the MAS Jackson Site. The MAS Jackson Site is located at 1020 East Main Street, Jackson, Jackson County, Ohio.

The response action proposed herein will mitigate Site conditions by properly removing and disposing off-site the following: drums and other containers with hazardous materials; hazardous materials inside tanks and vats; and contaminated solid waste and soils. This response action will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC § 9604(a)(1).

Additional Site activities will include perimeter and work zone air monitoring, disposal of contaminated solid material, and the filling of deep sub-floor pits. The fire hazards at the Site, as well as the presence of hazardous wastes in a partially uncontrolled area of the city adjacent to a waterway, require that this removal be classified as a time-critical removal action. The project will require an estimated 45 on-site working days to complete.

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

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID # pending

A. Physical Location and Description

The Site is located in a mixed residential, agricultural, commercial, and industrial area at 1020 East Main Street in Jackson, Jackson County, Ohio, 45640. The Site coordinates are 39.033964 degrees North latitude and 82.622629 degrees West longitude. On-site structures consist of one large production building occupying approximately 300,000 square feet and several unattached chemical and waste storage buildings and tank farms. The Site property is enclosed by a chain-link fence with padlocked gates. According to the City of Jackson Mayor's Office, the following are located within 1 mile of the Site: 3,365 homes, 4 schools, 1 community college, 3 nursing homes, 2 retirement communities, and 1 hospital. The current population of Jackson, Ohio, is approximately 6,200.

According to the Region V Superfund Environmental Justice Analysis, in Ohio, the average low-income population percentage is 30% and the average minority population percentage is 16%. To meet the EJ concern criteria, the area within 1 mile of the Site must have a population that's twice the state low-income percentage and/or twice the state minority percentage. That is, the area must be at least 60% low-income and/or 32% minority. At this Site, the low-income percentage is 37% and the minority percentage is 3% as determined by Arcview 3.0 EJ analysis using Census 2000 Database (see Attachment 1). Therefore, this Site does not meet the Region's EJ criteria based on demographics as identified in "Region 5 Interim Guidelines for Identifying and Addressing a Potential EJ Case, June 1998."

B. Site Background

Meridian Automotive Systems, Inc., formerly used the Site to manufacture and paint fiberglass auto body panels, truck panels, and other parts. MAS Jackson also produced a sheet resin material known as "sheet molding compound" (SMC). SMC was a fiberglass-reinforced thermosetting compound manufactured by dispensing mixed resin, maturation agent, fillers, catalyst, and mold release agent onto sheets of polyethylene film. MAS Jackson leased the Site structures from a non-profit organization that currently owns the Site property.

MAS Jackson ceased all manufacturing operations at the Site in 2007 after which most hydraulic presses and other production equipment were removed from the production building. The Ohio Environmental Protection Agency (OEPA) Southeast District Office (SEDO) Division of Hazardous Waste Management (DHWM) ordered MAS Jackson to begin removal activities in 2007 in compliance with the Cessation of Regulated Operations requirements in Ohio Administrative Code (OAC), Chapter 3745- 352. However, removal activities had not been completed before MAS declared bankruptcy in 2009 and abandoned the Site.

Recent Site activities have included metal scrapping operations and occasional vandalism and theft. On August 23, 2009, a small fire was started near the former press line in the on-site production building from metal scrapping operations. The local fire department extinguished the fire; however, during the response the local acting Fire Chief observed large volumes of flammable hydraulic oil waste staged in open sub-floor pits. In addition, electrical wiring inside the production building had been compromised by unauthorized scrapping of copper wire and electrical components, resulting in electrical shock hazards from exposed wiring. The local acting Fire Chief ordered that the scrapping contractor conduct no further work inside the production building and notified OEPA SEDO of the fire hazards and wastes observed at the Site. After the fire, the City of Jackson stationed personnel at the Site for round-the-clock fire-watch duty.

OEPA SEDO inspected the Site from August 24 through 26, 2009, and documented large quantities of abandoned manufacturing wastes, including the following:

- Used oil wastes in six hydraulic press pits totaling an estimated 8,000 to 10,000 gallons;
- Drums containing styrene monomer, flammable liquids, and corrosives, and unlabeled drums with unknown contents;
- Universal waste fluorescent lamps;
- One cardboard box labeled "PCB Ballast";
- Numerous small containers and aerosol cans, including pesticides and laboratory chemicals;
- An instrument containing a radioactive source (americium 241 and beryllium) formerly used to evaluate the thickness and density of fiberglass material; and
- Multiple aboveground storage tanks (AST) with unknown quantities of fuel oil, hydraulic oil, used oil, propane, and resins.

On October 15, 2009, U.S. EPA Radiation personnel, in conjunction with the Ohio Department of Health, arrived on Site to remove the radioactive source. The instrument containing the source was disassembled and the source was removed and transported to a temporary storage facility at Ohio State University. The source is scheduled to be retrieved by the Department of Energy's Orphan Source Recovery Program.

On October 28 and 29, the U.S. EPA Emergency Response Branch conducted a Site assessment with START personnel. The activities and findings of that assessment are summarized in Section III below.

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

The conditions at the MAS Jackson Site present an imminent and substantial threat to the public health, or welfare, and the environment, and meet the criteria for a time-critical removal action based on the factors identified at Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as amended. These factors include, but are not limited to, the following:

a) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

Signs of animals and vandals were observed within the production building. Several doors to the production building had been removed, and any humans or animals that bypass the perimeter fencing can freely enter the unlit production building and unlocked storage buildings. During the Site reconnaissance on October 22, 2009, a live raccoon was observed trapped within a sub-floor pit. During the Site assessment on October 29, 2009, the animal remains of two opossums were observed in another sub-floor pit. In addition, an insurance agency has informed U.S. EPA that an investigation is still underway regarding a pipe-fitter contractor who was severely injured after falling into a sub-floor pit while attempting to repair the sprinkler system in the production building. Many of the sub-floor pits are difficult to see in the unlit production building. During the Site assessment activities, the following wastes and conditions were observed at the Site:

- 12 sub-floor pits containing an estimated total of 20,000 gallons of combustible oil wastes;
- 66 drums containing an estimated total of 2,000 gallons of abandoned products and wastes;
- 45 tanks containing an estimated total of 1,000 gallons of abandoned product and wastes;
- 504 small containers including corrosives, flammables, poison, laboratory containers, one cardboard box labeled "PCB ballast," and one container labeled "Organic Peroxide Trigonex-C, UN 3101";
- Exposed electrical wiring throughout the production building;
- Spilled oily liquids on the floor along the former press line area; and
- Water-filled secondary containment around the former resin and fuel oil above ground storage tanks.

Analytical results from samples collected during the Site assessment identified ignitable hazardous wastes as characterized in 40 CFR § 261.21(a)(1) within two closed-top drums and one open-top tank. Flashpoint results ranged from less than 70 to 92 °F. Elevated concentrations of styrene also were detected in liquid samples within open-top sub-floor

pits and closed- and open-top drums and tanks. The maximum reported styrene concentration was 170,000 mg/kg.

According to the City of Jackson Mayor's Office, the following are located within 1 mile of the Site: 3,365 homes, 4 schools, 3 nursing homes, 2 retirement communities, and 1 hospital.

Additional unauthorized scrapping activities, vandalism, or theft at the Site could result in an accidental or intentional release of hazardous materials. The proximity of residences and other vulnerable populations to the Site would greatly increase the likelihood of human health and environmental impacts if a release occurs.

b) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that pose a threat of release;

During the Site assessment, numerous sub-floor pits, tanks, drums, and small containers were observed throughout the production and storage buildings. Many of the containers were uncovered and in poor condition. Further deterioration of these containers may permit hazardous substances to migrate to the environment. Some of the containers were labeled as hazardous materials (corrosive, flammable, poison, "PCB ballast," "Organic Peroxide Trigonex-C, UN 3101," and hazardous waste). Sample collection in conjunction with this site assessment confirmed the presence of ignitable hazardous wastes as characterized in 40 CFR 261.21(a)(1) as well as elevated concentrations of styrene and other VOCs in liquids within pits, tanks, and drums. Additional unauthorized scrapping activities, vandalism, or theft at the Site could result in an accidental or intentional release of hazardous materials.

Room 40 contains eight hydraulic oil tanks ranging in capacity from approximately 3,000 to 6,000 gallons each, with no secondary containment. Secondary containment structures around the resin tank farm at the south side of the Site and the fuel oil tank farm at the east side of the Site are partially filled with water and would not completely contain a release.

Waste oil has been observed outside the production building in the unlined containment ponds and ditch on the south side of the Site. OEPA believes that the oil was released onto the ground surface from scrapped hydraulic equipment and then gravity-drained into the containment ditch. The oil skimming system that formerly removed oil sheen from the containment ponds is outdated and not operational. The containment ponds and ditch discharge directly into a storm water culvert that flows east to the edge of the Site property. Salt Lick Creek is located approximately 0.4 mile east of the Site.

According to a layout map obtained during the Site reconnaissance, numerous storm water drains and sanitary sewer lines are located under the production building. These

drains and lines exit on the north, south, and east sides of the production building. At least one storm water drain discharges to the storm water ditch at the east side of the Site. The sanitary sewer lines discharge to the on-site former wastewater treatment pits at the north side of the Site.

c) **Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;**

The building that houses the majority of the wastes is beginning to deteriorate due to exposure to the elements and lack of care and maintenance. Since many of the containers and pits in the building are uncovered, the further deterioration of the building could lead to the release of materials. As winter sets in, the threat of vandals seeking shelter and fuel may increase.

d) **Threat of fire or explosion;**

Scrapping activities with an acetylene torch resulted in a fire within the production building on August 23, 2009. The fire occurred next to the former press line, where an estimated total of 20,000 gallons of uncontrolled combustible oil waste is staged in 12 open-top sub-floor pits. The electrical wiring within the production building has been compromised by unauthorized scrapping or vandalism and may pose electrical shock and fire hazards from the abundant exposed wiring. The electrical mains have been deactivated because of the poor state of the wiring within the production building. The fire protection sprinkler system in the production building reportedly was disassembled during the extraction of large hydraulic presses from the former press line and currently is inoperable. The local acting Fire Chief has declared that fire fighters will not be permitted to enter the building in the event of another fire due to the large quantities of combustible oil and drummed waste in the production building. The City of Jackson has stationed personnel at the Site for round-the-clock fire-watch duty because of the imminent threat of fire at the Site and because drummed wastes staged at the Site could be ignited in the event of a fire.

e) **The availability of other appropriate federal or state response mechanisms to respond to the release.**

In a letter dated September 8, 2009, Ohio EPA requested assistance from the U.S. EPA in conducting an investigation and a time-critical removal action at the OCP Site. Neither Ohio EPA nor any local government has adequate finances or resources to respond to a time-critical removal action of this magnitude.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the hazardous substances on the 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 Action Memorandum, present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The OSC proposes that the following actions be taken to mitigate threats posed by the presence of hazardous substances at the Site:

1) Develop and implement a Site Health and Safety Plan including a Site Emergency Contingency Plan;

2) Remove and dispose of all drums, totes, and other containers of hazardous materials, contaminants, or pollutants;

3) Remove and dispose of all liquids from sub-floor pits;

4) Decontaminate and fill all sub-floor pits with gravel to mitigate falling hazards;

5) Transport and dispose of all characterized hazardous substances, pollutants or contaminants at an EPA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 CFR § 300.440);

6) Take any necessary response action to address any release or threatened release of a hazardous substance, pollutant, or contaminant that the U.S. EPA determines may pose an imminent and substantial endangerment to the public heath 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. Elimination of all surface threats is, however, expected to minimize the need for post-removal Site control.

The removal activities described in this memorandum will require an estimated 45 on-site working days to complete.

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

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

Regional Removal Allowance Costs:	
Total Cleanup Contractor Costs	$ 371,709
(This cost category includes estimates for ERRS, and subcontractors. Includes a 15% contingency.)	
Other Extramural Costs Not Funded from the Regional Allowance:	
Total START, including multiplier costs	$ 61,000
Subtotal, Extramural Costs	$432,709
Extramural Costs Contingency (20% of Subtotal, Extramural Costs)	$ 86,542
TOTAL, REMOVAL ACTION PROJECT CEILING	**$ 519,251**

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

Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) of Federal and state law will be complied with to the extent practicable. On December 7, 2009, an email letter was sent to John Rochette, Ohio EPA, requesting that the state identify any applicable state ARARs.

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

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

Continued risk to public health and the environment will result if no action or delayed action ensues.

VIII. OUTSTANDING POLICY ISSUES

None.

IX. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be $920,251.[1]

($519,251 + $50,000) + (61.66% x $569,251) = $920,251

X. RECOMMENDATION

This decision document represents the selected removal action for the Meridian Automotive Systems Site, Jackson County, Jackson, Ohio. It was developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the Site (see Attachment 4).

[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.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal and I recommend your approval of the proposed removal action. The total removal action project ceiling if approved will be $519,251. Of this, an estimated $458,251 may be used for clean-up contractor costs. You may indicate your decision by signing below.

APPROVE: _____ DATE: 12-21-09
Director, Superfund Division

DISAPPROVE: _____ DATE: _____
Director, Superfund Division

Enforcement Addendum

Attachments

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

cc: D. Chung, U.S. EPA, 5202-G
M. Chezik, U.S. DOI, w/o Enf. Addendum
Chris Korleski, Director, Ohio EPA, w/o Enf. Addendum
Richard Cordray, Ohio Attorney General, w/o Enf. Addendum

ENFORCEMENT ADDENDUM

MERIDIAN AUTOMOTIVE SYSTEMS, INC. SITE
JACKSON, JACKSON COUNTY, OHIO

DECEMBER 2009

(REDACTED 3 PAGES)

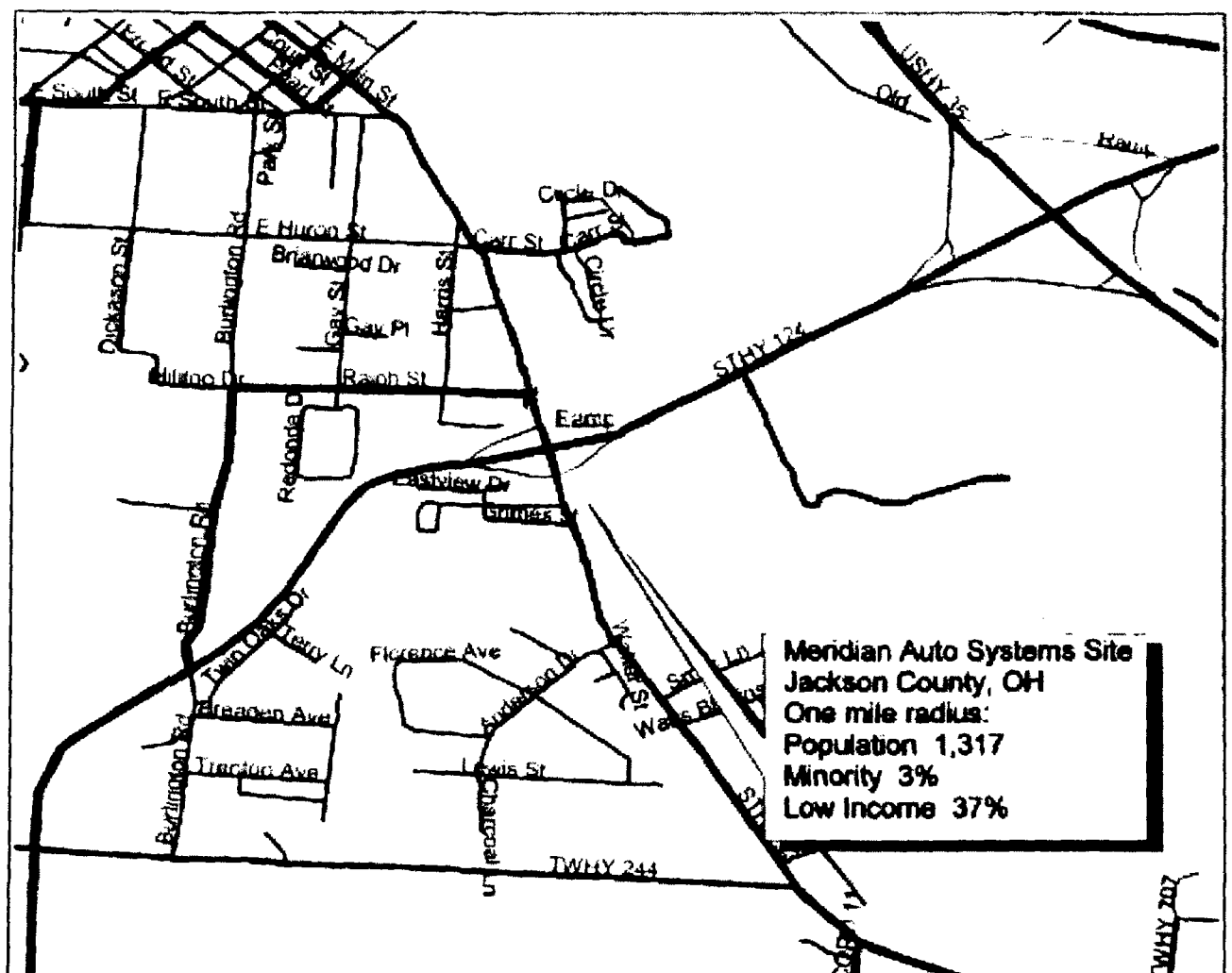
ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY

ATTACHMENT 1

EJ ANALYSIS
MERIDIAN AUTOMOTIVE SYSTEMS SITE
JACKSON, JACKSON COUNTY, OHIO
DECEMBER 2009

Region 5 Superfund EJ Analysis

Meridian Auto Systems Site Jackson,OH



State of Ohio averages:
Minority: 16%
Low Income: 30%

U.S. EPA Region 5
Environmental Justice Case Criteria
for State of Ohio

Minority: 32% or greater

Low Income: 60% or greater

0 0.5 1 1.5 2 Miles

Date of Map: 1/1/1900

Source of Map: Census 2000 Database
ArcView 3.0

ATTACHMENT 2

DETAILED CLEANUP CONTRACTOR ESTIMATE
MERIDIAN AUTOMOTIVE SYSTEMS SITE
JACKSON, JACKSON COUNTY, OHIO
DECEMBER 2009

The estimated cleanup contractor costs necessary to complete the removal action at the Meridian Auto Systems Site are as follows:

Personnel	$ 134,800
Equipment	$ 20,725
Other Field Costs	$ 38,700
Transportation and Disposal	$ 129,000
Contingency (15%)	$ 48,484
TOTAL	**$ 371,709**

ATTACHMENT 3

INDEPENDENT GOVERNMENT COST ESTIMATE

MERIDIAN AUTOMOTIVE SYSTEMS, INC. SITE
JACKSON, JACKSON COUNTY, OHIO

DECEMBER 2009

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

(REDACTED 2 PAGES)

ATTACHMENT 4

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
MERIDIAN AUTOMOTIVE SYSTEMS SITE
JACKSON, JACKSON COUNTY, OHIO

ORIGINAL
DECEMBER 2009

NO.	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
1	09/08/09	Sarvis, H., Ohio EPA	Durno, M., U.S. EPA	Letter re: OH EPA Request for U.S. EPA Assistance with Possible Removal Action at the Meridian Automotive Systems Site w/Attached Time Critical Removal Action Referral Package	27
2	11/16/09	Weston Solutions, Inc.	U.S. EPA	Site Assessment Report for the Meridian Automotive Systems Site	158
3	12/07/09	Muller, L., U.S. EPA	Rochetté, J., Ohio EPA	Letter re: U.S. EPA Request for Ohio ARARs Pertinent to the Meridian Automotive Systems Site	1
4	00/00/00	Muller, L., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request for a Time Critical Removal Action the Meridian Automotive Systems Site **(PENDING)**	