



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

SEP 09 2011

Mr. Shawn Cecil  
Kentucky Department for Environmental Protection  
14 Reilly Road  
Frankfort, KY 40601

Subject: Black Leaf Chemical  
Louisville, Kentucky

Dear Mr. Cecil:

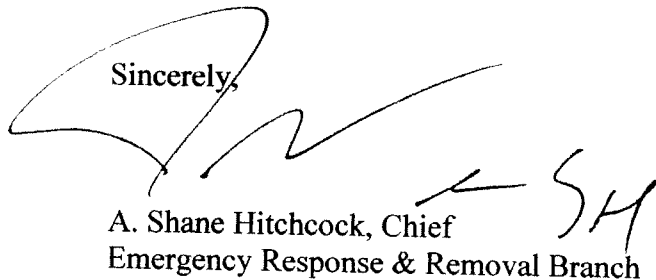
The U.S. Environmental Protection Agency's Emergency Response and Removal Branch (ERRB) conducted a Removal Site Evaluation (RSE) at the above referenced site for potential removal action eligibility under the National Contingency Plan (NCP).

Based on the information collected during the RSE, the On Scene Coordinator (OSC) recommends this site be given priority for removal eligibility under EPA's Superfund Removal Program (See enclosed RSE memo). Concurrent with this recommendation, EPA may also begin its enforcement activities to determine potentially responsible parties for this Site.

A final determination of removal eligibility will be made by the OSC assigned to the site. A decision to conduct a removal action will be documented in an Action Memorandum and a copy will be forwarded to the State. Should the OSC make a final determination that a removal action is not warranted you will be subsequently notified of this determination.

Should you have any questions concerning ERRB's determination, please contact Art Smith, OSC, at (502) 905-7559, or Jim McGuire, Chief of Removal Operations Section, at (404) 562-8911.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Shane Hitchcock".

A. Shane Hitchcock, Chief  
Emergency Response & Removal Branch

Enclosure

cc: Dawn Taylor, Tony Moore, Jim McGuire, Kerri Sanders, Art Smith, Timothy Neal

U.S. ENVIRONMENTAL PROTECTION AGENCY  
POLLUTION/SITUATION REPORT  
Black Leaf Chemical - Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region IV

**Subject:** POLREP #1  
Removal Site Evaluation Polrep  
Black Leaf Chemical  
B4L7  
Louisville, KY  
Latitude: 38.2318091 Longitude: -85.7827199

**To:** Jim McGuire, USEPA R4 ERRB

**From:** Art Smith, On-Scene Coordinator

**Date:** 9/2/2011

**Reporting Period:** August 1, 2011- August 31, 2011

**1. Introduction**

**1.1 Background**

<b>Site Number:</b>	B4L7	<b>Contract Number:</b>	
<b>D.O. Number:</b>		<b>Action Memo Date:</b>	8/23/2011
<b>Response Authority:</b>	CERCLA	<b>Response Type:</b>	Time-Critical
<b>Response Lead:</b>	EPA	<b>Incident Category:</b>	Removal Assessment
<b>NPL Status:</b>	Non NPL	<b>Operable Unit:</b>	
<b>Mobilization Date:</b>		<b>Start Date:</b>	
<b>Demob Date:</b>		<b>Completion Date:</b>	
<b>CERCLIS ID:</b>	KYD980559250	<b>RCRIS ID:</b>	
<b>ERNS No.:</b>		<b>State Notification:</b>	08/29/2011
<b>FPN#:</b>		<b>Reimbursable Account #:</b>	

**1.1.1 Incident Category**

Inactive Production Facility

**1.1.2 Site Description**

**1.1.2.1 Location**

The Site is located on a portion of a 29-acre parcel of land in the Park Hill neighborhood of Louisville, and is bordered by a densely populated residential area to the north, a large rail yard to the south, and industrial/commercial areas to the east and west. Multiple brick structures occupy the Site, which was the location of pesticide formulating operation, a whiskey distillery, and several wood drying and lumber distribution companies in the past.

The Site is currently abandoned.

### 1.1.2.2 Description of Threat

Immediate threats are present in the form of potential direct contact with hazardous substances due to lack of controls on access to the Site.

### 1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

On July 25, 2011, the Kentucky Department for Environmental Protection (KDEP) Superfund Branch requested that EPA Region 4 evaluate this Site for purposes of conducting a time-critical removal action. The request was based on the results of an October 2010 Site Investigation (SI) that revealed high concentrations of organochlorine pesticides in surface soil at an industrial park. Elevated levels of arsenic and polynuclear aromatic hydrocarbons (PAHs) were also discovered in surface soils. KDEP also cited the lack of controls on access to the Site and the inability to compel the current property owner to secure the Site as a basis for requesting EPA assistance.

On August 8, 2011, EPA On-Scene Coordinator (OSC) Art Smith and KDEP performed a site inspection. At that time, a gate at the 17<sup>th</sup> Street entrance to the Site was missing and evidence of trespassing was noted in areas of the Site where hazardous substance releases are present. Based on this information, the OSC completed the removal site evaluation under 40 CFR Section 300.410, and concluded that the site meets the following National Contingency Plan (NCP) criteria under 40 CFR Section 415(b)(2) for initiating a time-critical removal action:

*Section 300.415 (b)(2)(i) Actual or potential exposure to nearby human populations, or the food chain from hazardous substances pollutants or contaminants;*

Sampling results from the October 2010 Site Investigation confirmed elevated levels of the following pesticides in surface soil:

Hazardous Substance	CAS Number	Maximum Concentration (mg/kg)
Alpha-BHC	319-84-6	1,400
Gamma-BHC	58-89-9	180
4,4' DDT	50-29-3	270
Dieldrin	60-57-1	18

The graffiti observed in several buildings onsite documents the fact that trespassing is ongoing and these conditions represents an actual or potential exposure to hazardous substances.

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

Analytical results reveal that elevated pesticide and arsenic levels are present at or near the surface creating a potential for migration to off-site locations.

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

As stated earlier, pesticide and arsenic contamination is found at the surface. If the contamination is not addressed with a removal action then this contamination could possibly migrate to off-site locations.

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

As stated previously, KDEP referred the Site to EPA for action, citing an inability to finance the work necessary to mitigate threats at this Site.

## **2. Current Activities**

### **2.1 Operations Section**

#### **2.1.1 Current Situation**

The Site is currently owned by Louisville Industrial Park, LLC and is in an abandoned state. It is fenced along its entire perimeter, but there are several breaches in the fencing along the northern property boundary. The gate at the Dixie Highway entrance is secure, but the gate at the 17th Street entrance is missing entirely. This entrance is characterized by an accumulation of solid waste which has been dumped illegally.

The abandoned buildings are in a general state of disrepair, and graffiti is observed throughout. In addition, numerous open pits and drainage structures are present which could cause serious injury if one were to fall in unexpectedly. Further evidence of trespassing by "urban explorers" has been chronicled in the Louisville Eccentric Observer (LEO). (See <http://leoweekly.com/news/meet-break> for the June 1, 2011 LEO excerpt).

#### **2.1.2 Response Actions to Date**

KDEP removed approximately 90 drums of hazardous and solid wastes at this location in May and June 2009.

#### **2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)**

The current property owner is Louisville Industrial Park, LLC. Records indicate that previous owners and operators at the Site include Virginia-Carolina Chemical Corporation and Diamond Alkali Company Black Leaf Division. Both of these entities are believed to have been involved with organochlorine pesticide manufacturing, formulating and distribution at this location in the 1950s.

EPA has initiated the enforcement process and is currently engaged in the identification of PRPs for this Site.

## 2.2 Planning Section

### 2.2.1 Anticipated Activities

#### 2.2.1.1 Planned Response Activities

Louisville Industrial Park, LLC has informed EPA and KDEP that they do not have the resources to secure the Site.

The OSC approved an Action Memorandum on August 23, 2011 under his delegated authority in the amount of \$50,000. A Task Order was issued to CMC Environmental Services, Inc. on September 2, 2011 for purposes of enhancing security at the Site.

#### 2.2.1.2 Next Steps

The removal action will be limited to repairing and replacing fencing and gates to a degree sufficient to deter trespassers.

### 2.2.2 Issues

The Site will be posted to warn trespassers of hazardous conditions. This may generate interest in the Site, both at the neighborhood level and in the community at large.

## 2.3 Logistics Section

## 2.4 Finance Section

## 2.5 Safety Officer

## 2.6 Liaison Officer

## 2.7 Information Officer

## 3. Participating Entities

### 3.1 Unified Command

### 3.2 Cooperating and Assisting Agencies

## 4. Personnel On Site

## 5. Definition of Terms

## 6. Additional sources of information

### 6.1 Internet location of additional information/reports

### 6.2 Reporting Schedule

## 7. Situational Reference Materials

*RSAC*  
*RSE CONC*  
*9/7/11*

*[Signature]*  
*9/6/11*