



AUG 22 2011

**4WD-ERRB**

**ACTION MEMORANDUM**

**SUBJECT:** Action Memorandum for a Removal Action at the Black Leaf Chemical site pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104.

**FROM:** Art Smith, On-Scene Coordinator (OSC)  
Emergency Response and Removal Branch

**THRU:** Shane Hitchcock, Chief  
Emergency Response and Removal Branch

**TO:** Site File

**I. Purpose**

The purpose of this Action Memorandum is to document the decision to initiate the time-critical removal action described herein for the Black Leaf Chemical Site (the Site) located in Louisville, Jefferson County, Kentucky. This removal action is pursuant to the OSC's \$50,000 programmatic authority under CERCLA Regional Delegation 14-2 for a time-critical removal action where site conditions do not constitute an emergency. This removal action is proposed as a Fund-lead as the Potentially Responsible Party (PRP) has cited an inability to fund required measures to stabilize the Site.

**II. Site Information**

**A. Site Description**

Site Name: Black Leaf Chemical  
Superfund Site ID (SSID): B4L7  
NRC Case Number: None  
CERCLIS Number: KYD980559520  
Site Location: 1391 Dixie Highway, Louisville, KY 40210  
Lat/Long: N 38.260987 W 85.782500  
Potentially Responsible Party (PRP): Louisville Industrial Park LLC  
NPL Status: Non-NPL

## **B. Site Background**

### **1. Removal Site Evaluation**

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. 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.

On August 8, 2011, OSC 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 National Contingency Plan (NCP) criteria for a time-critical removal action.

### **2. Physical location and Site characteristics**

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.

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

Hazardous substances as defined by section 101(14) of CERCLA and identified in the 2010 SI are listed in Table 1 below

Table 1

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

**III. Threats to Public Health Welfare or the Environment**

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

Immediate threats are present in the form of potential direct contact with identified hazardous substances due to lack of controls on access to the Site. The graffiti observed in the buildings documents the fact that trespassing is ongoing and represents the existence of a completed exposure pathway.

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

- Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)].
- Actual or potential contamination of drinking water supplies or sensitive ecosystems [300.415(b)(2)(ii)].
- Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release [300.415(b)(2)(iii)].
- High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate [300.415(b)(2)(iv)].
- Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].
- Threat of fire or explosion [300.415(b)(2)(vi)].
- The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].
- Other situations or factors that may pose threats to the public health or welfare of the United States or the environment [300.415(b)(2)(viii)].

#### **IV. Selected Removal Action and Estimated Costs**

##### **A. Situation and Removal Activities to Date**

###### **1. Current Situation.**

The Site is currently in an abandoned condition. There are numerous gaps in the security fencing along the northern property boundary, allowing for unmitigated access to the Site.

###### **2. Removal activities to date: None**

###### **3. Enforcement**

EPA has contacted the current property owner regarding the trespassing issues, and requested that they secure the premises. To date, no action has been taken to stabilize the situation. . It does not appear that the current property owner is capable of taking the necessary measures to secure the site against intruders.

A preliminary title search indicates that previous owners and operators of the Site during the period when hazardous substances were released to the environment may be viable Potentially Responsible Parties (PRPs) for purposes of Site cleanup. A full PRP search is currently underway. However, the immediate threats are related to the security breach and the scope of this removal action is limited to keeping trespassers out of the Site

##### **B. Planned Removal Actions**

###### **1. Proposed action description**

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

###### **2. Contribution to remedial performance**

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the site.

###### **3. ARARs**

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. The OSC will consult with KDEP to identify if any ARARs relating are in effect for this removal action.

4. Project Schedule

The removal action will begin within 72 hours of notification to the OSC that contractual arrangements have been approved and funded. It is expected that the repair and/or installation of new security measures will be completed within one week of the time when removal activities begin at the Site.

C. Estimated Costs\*

Contractor costs (ERRS/START staff, travel, equipment)	<b>\$42,000</b>
Other Extramural Costs (Strike Team, other Fed Agencies)	
Contingency costs (20% of subtotal)	<b>\$8,000</b>
<b>Total Removal Project Ceiling</b>	<b>\$50,000</b>

\*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA. "

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

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

VI. **Outstanding Policy Issues: None**

**VII.**

**Approvals**

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

Conditions at the site meet the NCP section 300.415(b) criteria for a removal action and through this document, I am approving the proposed removal actions. The total project ceiling is \$50,000, and this amount will be funded from the Regional removal allowance.

  
\_\_\_\_\_  
Art Smith,  
On-Scene Coordinator

08/23/11  
Date