

US EPA ARCHIVE DOCUMENT



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 7**  
11201 Renner Boulevard  
Lenexa, Kansas 66219

**FEB 19 2014**

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Gene Watson  
Project Coordinator  
AMEC E & I  
15933 Clayton Road  
Ballwin, Missouri 63011-2146

Re: Carter Carburetor Site Administrative Settlement Agreement and Order on Consent (AOC)  
Docket Number CERCLA-07-2013-0008  
**NOTICE OF DISAPPROVAL** of the Removal Action Work Plan (RAWP)

Dear Mr. Watson:

This letter is to inform you that the U.S. Environmental Protection Agency has disapproved of the Removal Action Work Plan (RAWP) submitted by ACF Industries, LLC (ACF) on January 8, 2014. The AOC Statement of Work required the overall RAWP to describe the site and work to be performed in general terms while the RAWP addendums were required to contain the detailed specification and appropriate engineering drawings. The RAWP submittal of January 8th failed to contain the detailed addendums required under the AOC as described below. This failure constitutes a violation of the AOC and as such may subject ACF to stipulated penalties under Section XX of the AOC. The EPA does not intend to assess or require the payment of stipulated penalties at this time.

The lack of specificity and detail in the January 8<sup>th</sup> RAWP submittal is grounds for concern. The EPA expects that the next RAWP submittal will include the appropriate information to properly and promptly proceed with work at the site. The RAWP addendums assume that each separate area (i.e., the CBI Building, the Die Cast Area, and the TCE AST Area) will be a separate phase of the work. Although ACF had 120 days (four months) to prepare this RAWP, there were no detailed appendices submitted on January 8, 2014.

At a minimum, the following comments must be addressed by ACF in the next RAWP submittal:

**General Comments**

**General Comment #1** – ACF failed to comply with Attachment II (Statement of Work), Section III (Tasks), Paragraph A (Task 1 – Removal Action Work Plan):

The fourth sentence states: “While the overall plan shall describe the entire Site and the Work to be performed in general terms, the addendums to the RAWP shall contain detailed specifications and appropriate engineering drawings as described below....”.



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ACF failed to submit any addendum detailing the work to be performed. The EPA considers this failure to be a violation of the AOC. Because there was no ACF request for an extension of time, the EPA expected to review a detailed RAWP addendum for all phases of the work to be performed at the site, with a step by step approach from beginning to completion of each phase of the work. However, the EPA also realizes that certain details and specifications may not be available at this time, especially for the later removal phases. Thus, for any addendum that cannot be completed to a reasonable level of detail within 30 days of receipt of this Notice of Disapproval, ACF shall submit to the EPA a request for an extension of time needed to complete that addendum. A separate request for an extension of time shall be submitted for each addendum within 15 days of receipt of this Notice of Disapproval. An extension of time for the CBI Building Demolition Work Plan Addendum will not be granted and the CBI Building Demolition Work Plan will be due within 30 days of receipt of this Notice of Disapproval.

Each request for an extension of time shall describe the information, details, or specifications needed to complete the addendum in its entirety. If ACF is lacking specific information to fully complete an addendum, they shall describe the information needed, the reason the information cannot be obtained at this time, how the information will be obtained in the future, and when ACF expects the information will be obtained. The EPA will evaluate each request for an extension of time and grant any extension of time that is justified and deemed appropriate by the EPA. Please be informed that the EPA will not provide any time extension request beyond six months from the date the EPA receives the request for extension. If, after six months, ACF still needs additional time, a new request must be submitted as outlined above. As previously noted, the EPA will not allow an extension of time for the CBI Building Demolition Work Plan Addendum.

**General Comment #2** - ACF failed to comply with Attachment II (Statement of Work), Section III (Tasks), Paragraph A (1) (Addendum A - TCE AST Area Work Plan Addendum):

This portion of the SOW describes the information needed for the EPA to appropriately evaluate and approve this phase of the Removal Action. ACF has indicated in prior communications with the EPA that this phase will be the final phase of the work to be performed at the site and sufficient detail is not available for submittal of this Addendum to the EPA for review and approval. If such detail is still unavailable, ACF shall submit a request for an extension of time as described in General Comment #1. Otherwise, the EPA expects to review in the ACF's next RAWP submittal a detailed TCE AST Area Work Plan Addendum which fully complies with the AOC and SOW.

**General Comment #3** - ACF failed to comply with Attachment II (Statement of Work), Section III (Tasks), Paragraph A (2) (Addendum B- CBI Building Work Plan Addendum):

This portion of the SOW describes the information needed for the EPA to appropriately evaluate and approve this portion of the Removal Action. ACF has indicated in prior communications with the EPA that this portion will be the first area of the work to be performed at the site and sufficient detail is not yet available for a complete submittal of CBI Building Work Plan Addendum to the EPA for review and approval. The EPA will not grant an extension of time for the CBI Building RAWP Addendum. Therefore, within 30 days of receipt of this disapproval letter, ACF shall submit to the EPA all sufficient detail to allow the EPA to review and approve this portion of the work. This addendum shall include at a minimum: an asbestos abatement work plan; a building demolition work plan; a building separation plan; and a building material crushing and reuse plan.

The EPA agrees that the CBI Building demolition preparation is the first phase of the work to be performed at the site, which includes asbestos abatement in the CBI Building. ACF has been informed and is fully aware that persons have continually been entering the buildings on the site and are potentially being exposed to asbestos. Therefore, no time extension will be granted for the Asbestos Abatement Work Plan portion of the CBI Building Work Plan Addendum as described in paragraph 2(c) of this section of the AOC SOW. Pursuant to the January 17, 2014 letter from Eugene M. Watson, ACF's Contractor, the EPA expects submittal of the detailed Asbestos Abatement Work Plan for review and approval by no later than February 24, 2014.

**General Comment #4** - ACF failed to comply with Attachment II (Statement of Work), Section III (Tasks), Paragraph A (3) (Addendum C- Die Cast Area Work Plan Addendum):

This portion of the SOW describes the information needed for the EPA to appropriately evaluate and approve this phase of the Removal Action. ACF has indicated in previous communications with the EPA that this phase will be the second phase of the work to be performed at the site, and sufficient detail is not available for submittal of the Die Cast Area Work Plan Addendum to the EPA for review and approval. If such detail is still unavailable, ACF shall submit a request for an extension of time as described in General Comment #1 and below. Otherwise, the EPA expects to review in the ACF's next RAWP submittal a detailed Die Cast Area Work Plan Addendum which fully complies with the AOC and SOW. Please note that any extension of time that the EPA may grant shall not exceed six months from the date the EPA receives an extension request and shall not exceed the time needed for completion of phase 1 (CBI Building Demolition), minus the time needed for proper review and comment by the EPA and the State of Missouri.

#### Specific Comments

- 1. No page number, Reviews and Approvals:** This page requires signatures for each RAWP submittal.
- 2. Page 2-4, second full paragraph, last sentence:** Please either delete the phrase "but below levels of concern" or change to "but at relatively low levels". EPA Site Assessment is a process for prioritizing sites for further action or for inclusion on the National Priorities List. Although these levels were later determined, after further assessment, not to be a significant human health risk, they were in excess of screening levels and thus worthy of further assessment. Therefore, the levels were of concern in a Site Assessment perspective.
- 3. Page 2-5, last paragraph, first sentence:** Please change this sentence to acknowledge that CBI no longer owns the CBI building.
- 4. Page 3-5, Table 3-2:** The correct e-mail address for Jeff Weatherford is [weatherford.jeffrey@epa.gov](mailto:weatherford.jeffrey@epa.gov).
- 5. Page 4-6:** Formal communications shall include emails. Therefore "emails" must be removed from "Informal Communication".
- 5. Page 5-8, second paragraph in section 5-4, first sentence:** Please change the term "remedial action" to "Removal Action".

6. **Page 7-6, Section 7-4-1, Demolition Debris Sorting:** ACF should identify other contaminants that could be potentially contaminating the building debris other than PCBs, as appropriate. ACF should then analyze for these contaminants and develop a strategy for determining the mobility of these contaminants. ACF should then determine a method or performance standard that will prevent these substances from migrating off-site. As an example, the EPA is aware that gasoline and various solvents were heavily used in the manufacturing and/or testing procedures. In addition, much of the building is painted with lead paint, which is currently flaking and scattered throughout the building. In other words, all building debris used as fill shall be evaluated at a minimum for other contaminants besides PCBs and if found, these contaminants must be evaluated for mobility. Any contaminants that exceed a reasonable mobility or leaching standard shall not be used as on-site fill in the Die Cast Area.
7. **Page 7-6, Section 7-4-2, Demolition Debris Sizing, last paragraph in this section:** This paragraph indicates that PCB-contaminated debris will go to a local construction debris landfill. ACF must first determine if a construction debris landfill can accept PCB-contaminated waste and at what levels, and determine the specific sampling method the landfill may require. In addition, ACF should determine what other contaminants might be in the debris and whether or not they are allowed in a debris landfill.
8. **Page 7-6, Section 7.4.4, Recyclable Material:** The last paragraph in this section indicates materials will be sent to a local metal recycling facility. ACF must develop a procedure for sampling and characterizing these materials for PCBs and other possible contaminants per local, state, and federal rules or as prescribed by the receiving facility.
9. **Page 7-7, Section 7.4.5, Off-Site Disposal:** See Comment #8 and #9, Demolition Debris Sizing and Recyclable Material, above.
10. **Page 7-7, Section 7.5, Sampling CBI Footprint:** Either in this section, in the sampling plan, or in both, ACF must identify the contaminants that “could be reasonably expected to be present based on previous operations” and submit to the EPA for approval. The EPA reserves the right to sample and analyze for additional contaminants. A portion of the samples collected will be analyzed for the full suite of analytes.
11. **Page 8-1, Section 8.1:** This section should include a description of the building materials used as “fill” to clarify that ACF is not creating a landfill. The materials used shall be “clean fill” and not include items that would be considered trash.
12. **Page 8-2, Section 8.1, second to last paragraph in this section:** Please change the word “may” to “will” and delete the phrase “... and all other Performance Standards are not achieved”. If soils over 25 ppm remain at the site, a protective cover, long term monitoring, deed restrictions and/or environmental covenants will be required.
13. **Page 10-1, Section 10.2:** More details are needed concerning crushing and grinding activities before the EPA can approve this activity. At a minimum, ACF should describe this process and how and where it will function on the site. In addition, ACF should explain noise, dust control and air monitoring issues associated with this activity. ACF can choose to provide these details in this portion or in the specific CBI Building Demolition Addendum B as described in the AOC, Attachment II, Statement of Work.

**14. Page 10-2, Section 10.3:** It is known that the Carter Carburetor manufacturing process used various gasoline grades and other petroleum-based solvents. ACF should be prepared to address these contaminants if they appear in significant quantities during the demolition process. A detailed sampling plan for this area should be part of Building Demolition Work Plan Addendum B as described in the AOC attachment II, Section III, Paragraph 2(d). Due to the unknown nature of subsurface conditions, the EPA will not allow ACF to limit sampling to “surface soils” only. If conditions warrant sampling subsurface soils, then ACF must be prepared to do so. PCB oils can migrate both vertically and laterally depending on subsurface conditions such as preferential pathways.

**15. Page 10-3, Section 10.4:** The EPA does not agree that one sample every 30 feet on the sidewalls of the excavation and one sample every 1,000 square feet at the base of the excavation is representative. This high spacing between samples creates a high probability of missing hot spots and thus a high uncertainty of meeting the Removal Action objectives. Unless an acceptable justification can be provided by ACF, the EPA will require no less than one sample every 10 square feet on both the sidewalls and the floor(s) of the excavation. This would better assure that no soils greater than the “action levels” will be left in the excavation.

Pursuant to the AOC Attachment II, Section III, Paragraph 3(a), ACF shall develop and submit to the EPA for approval any and all specific air monitoring that will be needed to assure the safety of workers, the public and to meet ARARs. This includes air monitoring for activities involving building materials used as fill. ACF shall also acquire or develop the standards needed for comparison of the air monitoring results. Finally, ACF shall develop a plan to address odor problems emanating from the site.

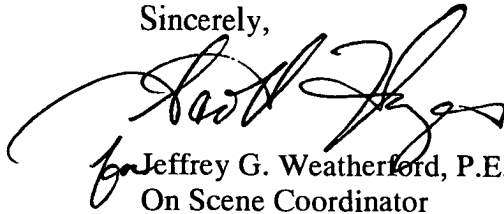
Either in this section, in the Die Cast Area Work Plan Addendum, or in both, ACF must include provisions to insure that any soils brought to the site from off-site sources will be screened to assure they are not contaminated. ACF should also describe how excavation water will be sampled. For example, will the water be removed to a tank then sampled or sampled directly from the excavation.

**16. Page 10-3, Section 10.5:** In this section ACF has developed a sampling plan with no details on how the soil will be remediated. ACF shall provide sufficient details of how the ISTD system will work prior to simply stating that 12 boring locations will be sufficient to show that the remediation was successful. The EPA disapproves of this section in its entirety.

**17. Page 10-4, Section 10.6:** This section indicates that there are specific action levels listed in the Health and Safety Plan (HSP). In the last sentence of the paragraph labeled ambient air monitoring, ACF indicates that personnel air monitoring sample collection methods will be determined later with no explanation as to why or when. These collection methods must be identified now and these action levels shall be presented in an easy to read summary and included in the table of contents of either this document or the HSP. Also, please describe in detail the criteria used for determining whether any soil gases are escaping.

Pursuant to Section X, paragraph 61, of the AOC, ACF is required to address the deficiencies and resubmit the RAWP within 30 days of receipt of this letter.

Sincerely,



for Jeffrey G. Weatherford, P.E.

On Scene Coordinator

Emergency Response and Removal South Branch  
Superfund Division

cc: Mr. Mark Crinnion, ACF Industries