



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8SEM-EMR

ACTION MEMORANDUM

SUBJECT: Approval and Funding for a Removal Action at the Walsenburg Asbestos Site, City of Walsenburg, Huerfano County, Colorado

FROM: Todd DeGarmo
Federal On-Scene Coordinator

THRU: Laura Williams, Chief
Emergency Response Section

Deirdre Rothery, Chief
Emergency Management Branch

TO: Betsy Smidinger, Director
Superfund and Emergency Management Division

Site ID#: B862

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the removal action described herein for the Walsenburg Asbestos Site (Site) located in the City of Walsenburg, Huerfano County, Colorado. This time-critical removal action involves the cleanup and proper disposal of a burned, partially collapsed residential structure known to contain friable asbestos. The Site was identified by the City of Walsenburg as a safety concern, posing a potential asbestos exposure threat to nearby residents and community members. Conditions 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).

This removal action is considered nationally significant or precedent-setting because it involves asbestos as the principal contaminant of concern. This removal action will not establish any precedent for how future response actions will be taken and will not commit the U.S. Environmental Protection Agency (EPA) to a course of action that could have a significant impact on future responses or resources.

II. SITE CONDITIONS AND BACKGROUND

Site Name:	Walsenburg Asbestos Site
Superfund Site ID (SSID):	B862
NRC Case Number:	N/A
CERCLIS Number:	CON000821041
Site Location:	Walsenburg, Huerfano County, Colorado
Lat/Long:	37.628432/-104.783648
Potentially Responsible Party:	
National Priority List (NPL) Status:	Non NPL
Removal Start Date:	September 2020

A. Site Description

1. Removal Site Evaluation

In August 2018, the City of Walsenburg condemned the residential structure located on Walsen Avenue, Walsenburg, Huerfano County, Colorado (the Site). In September 2018, the structure burned, and portions of the building collapsed. The structure is in a state of severe disrepair due to weathering, a collapsing roof, and missing walls and windows. In March 2019, the City of Walsenburg conducted an evaluation of the Site and determined that the burned structure contained friable asbestos.

On August 3, 2020, the City of Walsenburg and the Colorado Department of Public Health and Environment (CDPHE) contacted the EPA Region 8 Response Program requesting assistance in performing a removal action at the Site. The City of Walsenburg provided the EPA with sampling data, where asbestos (chrysotile) concentrations were measured at concentrations as high as 6 percent. This information is provided in the Administrative Record for this removal action.

Based on the EPA's On-Scene Coordinator's evaluation of the crumbling building materials and the missing walls and windows, there has been a release of friable asbestos to the environment from asbestos containing material (ACM) at the Site. The property is in a residential neighborhood with other residences located in close proximity. There are continued incidents of trespassing and adequate barriers are not in place to prevent children or other persons from accessing the Site. The hazardous materials inspector documented evidence of a couple of incidences of trespassing and vandalism since August 2018.

Weather events including wind, rain, and snow will continue to degrade the remaining portions of the structure. This will cause asbestos fibers to continue to be released from the ACM as it weathers and becomes friable due to ongoing exposure to the elements. Hence, asbestos fibers have been released and will continue to be released and migrate off-Site; thereby posing an asbestos inhalation threat to nearby residents and community members.

2. Physical Location

The Site consists of a burned, partially collapsed residential structure located on Walsen Avenue in the City of Walsenburg in Huerfano County, Colorado. A Site map is provided in Attachment 1. Walsenburg is located in southern Colorado and had a population of 3,068 as noted in the 2010 census. It is in a potential environmental justice area.

3. Site Characteristics

The Site consists of a burned, partially collapsed former residential structure located in a residential neighborhood. There are other homes located adjacent to the Site. The Site has been condemned by the City of Walsenburg and is structurally unsound. There is no fencing or barrier to prevent trespassers from accessing the property.

Asbestos fibers will continue to be released from the fire-damaged, partially collapsed structure as ACM weathers and becomes friable due to ongoing exposure to the elements, vandalism, and structural collapse. Walsenburg receives an average of 18 inches of rain and 91 inches of snow per year. Between 2010-2020, wind speeds in the area averaged 13.4 miles per hour (mph), with gusts of to 49.4 mph or more.

4. Release or Threatened Release into the Environment of a Hazardous Substance, Pollutant or Contaminant

The known contaminant of concern at the Site is asbestos, which is a hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). There has been a release of friable asbestos to the environment from the asbestos-contaminated building materials at the Site. As the remains of the building continue to deteriorate from weather, vandalism, and structural collapse, there is a threat of the additional release of asbestos fibers into the environment that then migrate off-Site and pose an asbestos inhalation threat to nearby residents and community members.

Asbestos is a solid material with a variety of forms, including chrysotile, which was found at the Site. Asbestos is highly resistant to heat and has exceptional tensile strength, both of which are characteristics that lend themselves to use in ordinary building materials. Asbestos tends to become brittle over time shattering into fiber bundles due to age and weathering. This characteristic is referred to as being friable. Subsequently, the friable fiber bundles can further degrade into microscopic fibers that can become airborne.

Human exposure to airborne asbestos fibers via inhalation has been proven to cause asbestosis, cancer, mesothelioma, and other respiratory diseases. Hence, there exists a potential for human exposure to asbestos both at the Site and in the surrounding residential areas.

5. NPL Status

This Site is not on the NPL, nor is it currently proposed for inclusion on the NPL.

6. Maps, Pictures, and Other Graphic Representations

A Site map is provided in Attachment 1. Site photo is provided in Attachment 2.

B. Other Actions to Date

1. Previous Actions

There are no previous actions on the Site.

2. Current Actions

There are no current activities on the Site.

C. State and Local Authorities' Roles

1. State and Local Actions to Date

The burned, partially collapsed structure at the Site is structurally unsound and abandoned. Officials from the City of Walsenburg have made several attempts to locate and work with the property owner to address the abandoned structure without success.

Neither the state nor the local authorities have taken actions to remediate the Site. CDPHE and the City of Walsenburg requested assistance from EPA Region 8's Response Section. CDPHE submitted a letter to EPA Region 8 on August 3, 2020, requesting a CERCLA removal action be conducted at the property. The letter stated that their limited Brownfields resources are not sufficient to address the environmental exposures posed by the Site.

2. Potential for Continued State/Local Response

The City of Walsenburg and CDPHE do not have sufficient resources to complete the cleanup at this Site in a timely fashion.

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

Conditions 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)(2) of the NCP.

EPA has considered all the factors described in 40 CFR 300.415(b)(2) of the NCP and determined that the following factors apply at the Site:

“(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, or pollutants or contaminants.”

The ACM poses a direct threat to public health and welfare because friable ACM is present in the partially collapsed building and is being released into the environment due to missing walls and windows. There are no adequate access restrictions at the Site to prevent children, trespassers, and other community members from accessing the site and encountering potential exposure to the ACM.

“(v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released:”

The burned, partially collapsed structure is in poor condition and is opened to the environment. Weather events including wind, rain, and snow will cause continued degradation of the remaining portions of the structure. Asbestos fibers will continue to be released from the ACM as the material weathers and becomes friable due to ongoing exposure to the elements.

“(vii) The availability of other appropriate federal or state mechanisms to respond to the release.”

No other local, state, or federal agency is in the position or has the resources to independently implement a timely, effective response action to address the ongoing threat presented by the Site.

IV. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

The EPA will remove the fire-damaged structure from the Site. Soils adjacent to the structure will be scraped where ACM is observed. The EPA and its contractors will determine which of the building components can be segregated from the ACM during the cleanup process and managed as solid waste for disposal purposes. All cleanup activities that will disturb ACM will be conducted using adequately wet methods to prevent the migration of asbestos fibers.

All ACM will be segregated from non-contaminated debris and each waste stream will be properly disposed of at permitted landfills. No post-removal Site controls are anticipated to be necessary following the removal action.

The EPA will identify an off-site landfill permitted to accept ACM that is in compliance with the CERCLA Off-Site Rule (40 CFR section 300.440).

2. Contribution to Remedial Performance

This effort will, to the extent practical, contribute to any future remedial effort at the Site. However, no further federal action is anticipated at this time.

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

An EE/CA is not required for a time-critical removal action.

4. Applicable or Relevant and Appropriate Requirements (ARARs)

Removal actions conducted under CERCLA are required, to the extent practicable considering the exigencies of the situation, to attain ARARs. The ARARs are identified in Attachment 3. In accordance with the NCP, all ARARs for the Site will be attained to the extent practicable given the scope of the project and the urgency of the situation.

5. Project Schedule

The removal action is anticipated to begin during field season 2021. All removal activities should be completed within one week of the beginning of on-site activities.

B. Estimated Costs*

	Estimated Costs
ERRS contractor	\$120,000
SUBTOTAL	\$120,000
Contingency Costs (20 % of subtotal)	\$24,000
Total Removal Project Ceiling	\$144,000

*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

Removals involving asbestos as a principal contaminant are one of seven categories designated as nationally significant or precedent-setting. Specific procedures are required for requesting Headquarters' concurrence on these actions.

According to the EPA's Superfund Removal Guidance for Preparing Action Memoranda, September 2009, removals involving asbestos, when it is the principal contaminant of concern, require Headquarters' concurrence because action levels for response have not yet been set and these determinations are being made on a case-by-case basis (OSWER 9345.4-05).

VII. ENFORCEMENT

A separate Enforcement Addendum has been prepared providing a confidential summary of current and potential future enforcement activities.

VIII. RECOMMENDATIONS

This decision document represents the selected removal action for the Walsenburg Asbestos Site, City of Walsenburg, Huerfano County, Colorado, 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.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal action, and I recommend your approval of the proposed removal action. The total project ceiling, if approved, will be \$144,000; this amount will be funded from the Regional removal allowance.

APPROVE

for

Betsy Smidinger, Director
Superfund and Emergency Management Division

Date

DISAPPROVE

Betsy Smidinger, Director
Superfund and Emergency Management Division

Date

Attachments:

Attachment 1: Site Map

Attachment 2: Site Photos

Attachment 3: ARARs Table



Attachment 2

Site Photo



Attachment 3

ARARs Table

	<i>Standard, Requirement or Criteria</i>	<i>Description</i>	<i>Applicable or Relevant and Appropriate or TBC</i>	<i>Comment</i>
FEDERAL				
AIR				
	National Emissions Standards for Hazardous Air Pollutants (NESHAP), National Emission Standards for Asbestos 40 CFR Part 61 Subpart M	Establishes regulations for abatement of asbestos-contaminated structures	Applicable	Best Management Practices will be implemented to comply with the requirements of NESHAP and protect public health, including keeping asbestos-contaminated debris adequately wet until disposed of as ACM.

	<i>Standard, Requirement or Criteria</i>	<i>Description</i>	<i>Applicable or Relevant and Appropriate or TBC</i>	<i>Comment</i>
STATE				
AIR				
	Colorado Fugitive Dust Control Plan/Opacity, Regulation No. 1., 5 CCR § 1001-3, pursuant to Colorado Air Pollution Prevention and Control Act, CRS §§ 25-7-101 et. seq.	Establishes regulations concerning fugitive emissions from construction activities, storage and stockpiling activities, haul trucks, and tailings ponds.	Applicable	Applicable to all activities generating dust. The applicable sections are III.D.2.B and III.D.2.h. Wetting will be used to control dust.

	Colorado Control of Hazardous Air Pollutants, 5 CCR 1001-10 Regulation 8 Part B, §§ I.A., I.B, III.B, III. W, pursuant to Colorado Air Pollution Prevention and Control Act, CRS §§ 25-7-101 et. seq.	Establishes regulations for abatement of asbestos-contaminated structures	Applicable	<p>This regulation is equivalent to the federal NESHAPS requirements.</p> <p>Applicable to unstable building demolition</p> <p>Pursuant to the regulation, “During wrecking operations, that portion of the facility that contains friable asbestos-containing material must be kept adequately wet commencing from prior to the demolition through delivery of the demolition debris to a landfill that will accept friable ACM.” A surfactant will be added to the water supply to keep ACM debris adequately wet.</p>
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NOISE CONTROL				
	Colorado Noise Abatement Statute, CRS §§ 25-12-102, 103 (1)-(3), (5), (8) & (9)	Establishes maximum permissible noise levels for particular time periods and land use zones.	Applicable	Applicable to all construction, transport and backfilling activities.

TO BE CONSIDERED

	Wildfire Recovery Guidance for Cleanup of Damaged or Destroyed Buildings	Offers advice for handling ash and debris from burned structures	TBC	<p>General guidance on handling of debris and ash generated by structures that have wholly or partly burned.</p> <p>EPA’s review of this guidance document determined that all recommendations and requirements are covered by promulgated regulations listed</p>
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