



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 155  
Seattle, WA 98101

SUPERFUND AND  
EMERGENCY MANAGEMENT  
DIVISION

October 20, 2021

**SUBJECT:** Action Memorandum for a Time-Critical Removal Action at the Price Street Asbestos Emergency Response Site pursuant to the On-Scene Coordinator's delegated authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

**FROM:** Eric Nuchims, On-Scene Coordinator  
Emergency Response Section  
Emergency Management Branch

**THRU:** Stephanie Wenning, Section Chief  
Emergency Response Section  
Emergency Management Branch

Beth Sheldrake, Branch Chief  
Emergency Management Branch

**TO:** Administrative Record  
Price Street Asbestos Emergency Response Site

## **I. PURPOSE**

The purpose of this memorandum is to document the decision to initiate emergency response actions described herein for the Price Street Asbestos Emergency Response Site (hereafter referred to as the "Site") located in Port Hadlock-Irondale, Jefferson County, Washington pursuant to the On-Scene Coordinator's delegated authority under Section 104 of CERCLA.

## **II. SITE INFORMATION**

### **A. Site Description**

Site Name:	Price Street Asbestos Emergency Response Site
Superfund Site ID (SSID):	10TP
NRC Case Number:	None
CERCLIS Number:	WAN001020665
Site Location:	111 W Price Street Port Hadlock-Irondale, Washington
County:	Jefferson
Lat/Long:	Latitude: 48.0437916 Longitude: -122.7826516
Potentially Responsible Party (PRP):	Identified in Confidential Enforcement Addendum
Access:	Signed Access Agreement
NPL Status:	Not listed
Removal Start Date:	9/19/2021

## B. Site Background

### 1. Removal Site Evaluation

Jefferson County Public Health (JCPH) requested United States Environmental Protection Agency (EPA) Region 10 Emergency Management Branch (EMB) assistance with determining and mitigating the hazards found at a private property located in the Port Hadlock-Irondale, Jefferson County, Washington area. An uninhabitable collapsed mobile home was on the property. The rural neighborhood surrounding the property consists of single-family residences. JCPH conducted an asbestos survey of the building materials and confirmed the presence of asbestos-containing materials (ACM) with 2% to 20% asbestos concentrations of chrysotile asbestos fibers.<sup>1</sup> JCPH had designated the property a public nuisance for multiple infractions including the dilapidated mobile home but was unable to get contractors to bid on removal of the structure due to its condition and proximity to a steep slope leading to Chimacum Creek.

JCPH had also been contacted by the Jamestown S’Klallam Tribe,<sup>2</sup> Port Gamble S’Klallam Tribe,<sup>3</sup> and the Jefferson County Conservation District<sup>4</sup> all of whom expressed concerns regarding the dilapidated trailer and the associated contaminated debris reaching Chimacum Creek. Chimacum Creek is a salmon-bearing stream for the Hood Canal summer-run chum (*Oncorhynchus keta*).

JCPH contacted EPA’s Air and Land Enforcement Branch (ALEB) for assistance. ALEB referred the Site to EMB for assessment.<sup>5</sup>

On September 17, 2021, EMB deployed an On-Scene Coordinator (OSC) to the Site. Upon arrival at the Site, the property owner contacted the OSC and gave verbal consent for access to enter the property and followed it up with a signed EPA Consent for Access agreement via email. The OSC then met with staff from JCPH to assess the release and threat of release of ACM to human health and the environment. While on Site, the OSC observed the dilapidated mobile home perched on the edge of an eroding cut bank with part of the roof structure on the slope down to Chimacum Creek. JCPH staff stated that the trailer structure had shifted significantly within the last 2 weeks. The OSC also observed that local residents in the area of the Site had been trespassing on the Site and using it as an active dump site and a storage location for non-operational vehicles. The OSC further observed that several children lived in the immediate vicinity and a total of 8 residences were located within approximately 50 yards, with the closest residence located directly across West Price Street.

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<sup>1</sup> Asbestos Report for JCPH from NWA Environmental and Laboratory Data from Eurofins EMLab P&K

<sup>2</sup> September 8, 2021, email from Hansi Hals, Natural Resources Director, Jamestown S’Klallam Tribe, to Pinky Mingo, Environmental Health Manager, Jefferson County Public Health, regarding dilapidated property on West Price Street

<sup>3</sup> September 8, 2021, email from Paul McCollum, Natural Resources Director, Port Gamble S’Klallam Tribe, to Pinky Mingo, Environmental Health Manager, Jefferson County Public Health, regarding dilapidated property on West Price Street

<sup>4</sup> September 9, 2021, email from Joe E. Holtrop, District Manager, Jefferson County Conservation District, to Pinky Mingo, Environmental Health Manager, Jefferson County Public Health, regarding dilapidated property on West Price Street

<sup>5</sup> September 1, 2021, email from Pinky Mingo, Environmental Health Manager, Jefferson County Public Health, regarding dilapidated property

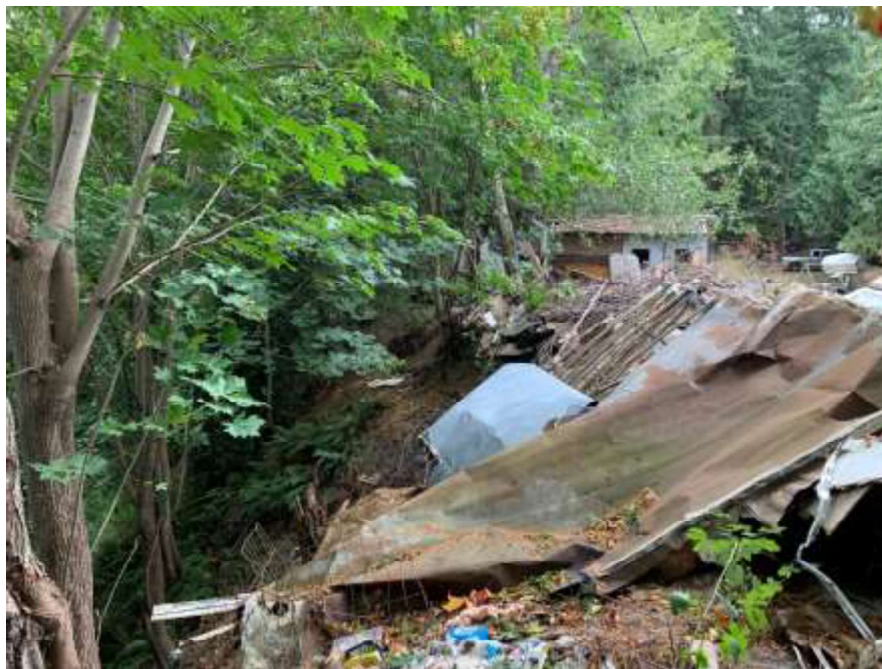
After assessment of the property, the OSC determined that release of ACM and the further collapse of the structure into Chimacum Creek presented a threat to human health and the environment. The OSC then contacted the property owner who stated that he did not have the capability to conduct a timely emergency response removal action. The OSC mobilized Superfund Technical Assistance Response Team (START) and Emergency and Rapid Response Services (ERRS) contractors to support an emergency response removal action to dispose of the ACM found at the Site.

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

The Site is located at 111 West Price Street, Port Hadlock-Irondale, Jefferson, Washington 98339. The Site is on a 0.23-acre parcel in a residential-zoned plot of land in a rural area of Port Hadlock-Irondale, Washington. The Site consists of a dilapidated single-wide trailer constructed in part of ACM, including sheet flooring, caulk, and coatings. The Site is located above and adjacent to Chimacum Creek.



*Figure 1: View of Dilapidated Structure from West Price Street.*



*Figure 2: View of structure on edge of slope.*



*Figure 3: View of Asbestos-Containing Roofing Material on the slope down to Chimacum Creek (creek partially visible on left).*

Residential properties are located immediately adjacent to the north and west of the Site. A Washington Division of Fish and Wildlife (WA F&W)-administered property is located immediately adjacent to the east. Chimacum Creek is located to the south and downgradient from the Site.

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

The material released is asbestos, a CERCLA-listed hazardous substance as defined by Section 101(14) of CERCLA. The health effects of asbestos are detailed by the Agency for Toxic Substances and Disease Registry (ATSDR) as follows:

Diseases from asbestos exposure take a long time to develop. Significant exposure to any type of asbestos will increase the risk of lung cancer, mesothelioma and nonmalignant lung and pleural disorders, including asbestosis, pleural plaques, pleural thickening, and pleural effusions.<sup>6</sup>

### **III. THREATS TO PUBLIC HEALTH WELFARE OR THE ENVIRONMENT**

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

The dilapidated trailer and associated ACM posed a threat to human health and the environment due to the Site being unsecured allowing access to the ACM. Also, the slope where the trailer was located was failing and the ACM was beginning to migrate down the slope towards Chimacum Creek, which is a salmon-bearing stream for the Hood Canal summer-run chum (*Oncorhynchus keta*).<sup>7</sup>

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

##### **1. 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)].**

This factor is present at the Site due to the presence of ACM in the building materials of the dilapidated trailer. The potential exists for contaminated material to impact humans, animals, and marine life either by direct contact or ingestion at the source or through particulate migration/inhalation. Persons trespassing on the property could be exposed to asbestos. Based solely on visual observation, the ACM debris is not intact, and it appears weathered. Removing the ACM debris would prevent the potential release of this asbestos into the environment in the future. The proximity of the ACM debris to the edge of the slope and on the slope pose a potential risk for the ACM debris to migrate down the slope. Clean up after the ACM debris has migrated down the slope would result in far greater costs for cleanup, containment, and monitoring.

##### **2. Actual or potential contamination of drinking water supplies or sensitive ecosystems [300.415(b)(2)(ii)].**

This factor is present at the Site due to the ACM debris likely migrating down the slope towards Chimacum Creek which is a salmon bearing stream for the federally listed Endangered Species Act (ESA), Hood Canal summer run chum salmon. In addition to

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<sup>6</sup> ATSDR Toxicological Profile for Asbestos: <https://wwwn.cdc.gov/TSP/ToxProfiles/ToxProfiles.aspx?id=30&tid=4>

<sup>7</sup>WA F&W Summer Chum Salmon Conservation Initiative:

<https://wdfw.wa.gov/sites/default/files/publications/01671/wdfw01671.pdf>

Chimacum Creek which flows into Port Townsend Bay where there are shellfish growing areas.

**3. Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].**

This factor is present at the Site due to the ACM debris being located in a lightly forested rural setting on the top of a slope, where the ACM debris appears to be migrating down the slope towards Chimacum Creek. With the heavy rains and wind of the fall and winter months of the Pacific Northwest the potential for the ACM debris to migrate into Chimacum Creek is much greater.

**4. The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].**

This factor is present at the Site due to no other federal or state response mechanisms being available to respond to the release at the Site at this time. The JCPH contacted the Washington State Department of Ecology's Spills Team for assistance in responding to ACM debris on the Site and they stated, "they do not have the authority, training, or funding to deal with asbestos issues."<sup>8</sup>

#### **IV. SELECTED REMOVAL ACTION AND ESTIMATED COSTS**

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

**1. Current Situation.**

Cleanup work has concluded on the Site.

**2. Removal activities to date:**

**a. Federal Government Actions**

EPA, START, and ERRS mobilized to the Site on September 19, 2021, to conduct a site walk to plan the removal of the dilapidated trailer and debris containing ACM.

On September 20, 2021, START set up particulate air monitors around the perimeter of the Site and co-located ambient air samplers for asbestos fibers at 3 locations, one location directly adjacent to the nearby residences across West Price Street and one each at the upwind and downwind locations. The locations were chosen to determine if there were any releases of particulates, including asbestos fibers, during the removal activities and document any potential exposures to the nearby residents. ERRS used an excavator to remove the asbestos-contaminated debris from around and on the dilapidated trailer into poly-lined roll-off bins that, once full, were sealed to prevent the release of asbestos during transportation. ERRS used a water mist on the debris for dust control prior to and during any disturbance of the debris and during loading into roll-off bins.

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<sup>8</sup> September 2, 2021, email from David Byers, Response Section Manager, to Pinky Mingo, Environmental Health Manager, Jefferson County Public Health, regarding dilapidated property on West Price Street.

On September 21, 2021, START continued air monitoring for particulates and ambient air sampling for asbestos. ERRS continued dust suppression with water. ERRS used a bigger excavator to reach the building debris that had begun to migrate down the slope and brought that material onto the frame of the trailer. The dilapidated trailer and associated building material debris was loaded into a total of six poly-lined roll-off bins. The full poly-lined roll-off bins were sealed to prevent the release of asbestos during transportation. The air monitoring results showed that no particulates were released outside of the removal work area on the Site. Air samples were submitted to an accredited laboratory for analysis and results are pending. The roll-off bins were staged for transportation and disposal awaiting coordination with the waste transportation company. Removal activities at the Site were concluded on September 21, 2021.

On October 4, 2021, all six poly-lined roll-off bins were transported to Waste Management's transfer facility in Everett, Washington and are anticipated to be transported to the Greater Wenatchee Region Landfill operated by Waste Management in East Wenatchee, Washington.

b. State and Local Government Actions:<sup>9</sup>

In May 2014, a complaint was made to the Jefferson County Public Health ("JCPH") regarding a septic system violation at the Site. During JCPH's investigation of the septic system, solid waste and building violations were observed. The foundation to the mobile home on the property was missing, creating a high potential for failure resulting in the structure collapsing and falling into the creek below. In June 2014, JCPH sent the property owner, a Notice and Order to Correct Violations ("NOCV") letter. In May 2015, the property owner entered into a compliance agreement with JCPH with a deadline to clean up the property by July 1, 2015. The property owner failed to meet the deadline and other enforcement and compliance efforts were undertaken.

On June 8, 2017, JCPH issued a Notice to Title against the property which stated, "the real property described above is out of compliance with Jefferson County Code Section 8.10.025 (1) (2) and (3) and has created a condition that is a potential health issue and/or nuisance."

In December 2017, the Property went into foreclosure and on December 12, 2017 was sold to Janos Szamosfalvi, the current owner. On February 1, 2018, a NOCV was issued to Mr. Szamosfalvi giving him 30 days to correct the violations. JCPH continued to use its enforcement and compliance tools through 2020, including site visits, issuance of code infractions, and nuisance abatement orders, among others, but conditions at the Site continued to worsen. JCPH efforts to undertake abatement work were halted due to the pandemic, and ultimately even in 2021 JCPH was unable to obtain contractor services.

A site visit in the fall of 2021 revealed that the slope was becoming increasingly unstable. There was great concern that a large rain or windstorm could take down the precarious

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<sup>9</sup> October 11, 2021, email from Pinky Mingo, Environmental Health Manager, Jefferson County Public Health, regarding history of dilapidated property, to E. Nuchims (EPA OSC).

pile of debris, containing asbestos, into Chimacum Creek. JCPH contacted EPA to request assistance to conduct an emergency clean-up.

### **3. Enforcement**

See attached Confidential Enforcement Addendum.

## **B. Planned Removal Actions**

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

At this time, there are no additional cleanup actions beyond those actions described in Section IV(A)(2).

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

This removal action is expected to be the final action for the Site. However, if future remedial actions are required, the emergency removal described herein will not impede those actions based upon available information.

### **3. ARARs**

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) requires that removal actions attain Applicable or Relevant and Appropriate Requirements (ARARs) under federal or state environment or facility siting laws, to the extent practicable. (40 CFR § 300.415(j)) In determining whether compliance with ARARs is practicable, the EPA may consider the scope of the removal action and the urgency of the situation.

Federal ARARs:

National Emission Standard for Hazardous Air Pollutants (NESHAP), 40 C.F.R. § 61, Subpart M. Subpart M addresses milling, manufacturing, and fabricating operations, demolition and renovation activities, waste disposal issues, active and inactive waste disposal sites, and asbestos conversion processes. Subpart M is potentially applicable to the handling, packaging, labeling, transportation, and disposal of asbestos-containing material.

Endangered Species Act (ESA), 16 U.S.C. § 1536; 50 C.F.R. Parts 17, Subpart I. The ESA protects species of fish, wildlife, and plants that are listed as threatened or endangered with extinction. It also protects designated critical habitat for listed species. The ESA outlines procedures for federal agencies to follow when taking actions that may jeopardize listed species, including consultation with natural resource agencies. The substantive requirements of the ESA are potentially applicable to the Site since listed threatened or endangered species habitat areas will or could be impacted by the response action.

#### 4. Project Schedule

EPA and its contractors mobilized to the Site on September 19, 2021 and demobilized from the Site on September 22, 2021.

#### C. Estimated Costs\*

Contractor costs (ERRS/START staff, travel, equipment)	<b>\$168,789</b>
Other Extramural Costs (Strike Team, other Fed Agencies)	
Contingency costs (20% of subtotal)	<b>\$33,758</b>
<b>Total Removal Project Ceiling</b>	<b>\$202,547</b>

\*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties will 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 have increased the actual or potential threats to the public health and/or the environment.

#### VI. OUTSTANDING POLICY ISSUES

This removal involves nationally significant and precedent-setting issues because asbestos is the principal contaminant of concern. Since the OSC determined that site conditions warranted an emergency removal, the Office Director of OEM was notified on September 20, 2021 as required by the Superfund Removal Guidance for Preparing Action Memoranda. No further actions are required at the Site following the completion of this emergency removal action.

#### 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 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 through this document I approve the removal action described herein. The total project ceiling is \$202,547. This amount will be funded from the Regional removal allowance.

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**ERIC  
NUCHIMS**

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Eric Nuchims  
On-Scene Coordinator  
Emergency Management Branch

October 20, 2021

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Date

## **VIII. SECTION 106 IMMINENT AND SUBSTANTIAL ENDANGERMENT DETERMINATION**

Actual or threatened releases of hazardous substances from this Site may present an imminent and substantial endangerment to public health or welfare or the environment.

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Beth Sheldrake  
Emergency Management Branch Chief

October 20, 2021

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Date