United States Environmental
Protection Agency
Region 6
1201 Elm St., Suite 500
Dallas, Texas 75270

MEMORANDUM

SUBJECT: Request for approval of consistency exemption from the 12-month and $2 million statutory limit, and Removal Project Ceiling Increase for the ongoing Time-Critical Removal Action at the Lane Plating Works National Priorities List Site, Dallas, Dallas County, Texas

FROM: Eric Delgado, On-Scene Coordinator
Emergency Management Branch (6SEDER)

THRU: Craig Carroll, Manager
Emergency Management Branch (6SEDE)

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Date: 2022.09.27 15:32:38 -05'00'

TO: John Meyer, Acting Director
Superfund and Emergency Management Division (6SEMD)

I. PURPOSE

The purpose of this Action Memorandum amendment is to request a consistency exemption from the 12-month and $2 million statutory limitation on removal response, and a funding ceiling increase for a time-critical removal action as authorized by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604 at the Lane Plating Works Site, Dallas County, Dallas, Texas. This time-critical removal action will involve the excavation and disposal of soils from the processing area of the site. In addition, the removal will include the demolition of the Main Plating Building (MPB) and the Hazardous Waste Treatment Building. This action will remove the recently identified imminent and substantial endangerment to human health and the environment posed by the contamination on the site and its migration to offsite areas surrounding the site. The site is on the National Priorities List (NPL).

The plan of action proposed in this amendment meets the criteria for initiating a removal action under Section 300.415 of the National Contingency Plan ("NCP"), 40 C.F.R. § 300.415. This action is anticipated to cost in excess of $2 million to complete.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS:	TXN000607031
Category of Removal:	Time Critical
Site ID:	A6MS
Latitude:	32.687886 N
Longitude:	-96.769485 W

A. Site Description

EPA was notified in July 2022 that trespassers were entering the MPB for the purposes of stealing copper electrical wiring and metal. EPA conducted a site visit and verified evidence of trespassing. During the site visit, EPA personnel noticed the suspension of a fine yellow dust cloud in the vicinity of a person performing any activity within the MPB.

1. Removal Site Evaluation

See the previously approved Action Memorandum dated September 6, 2016 (attached). Air samples were collected in July 2022 from two locations inside the building and analyzed for metals, including hexavalent chromium. The results indicated unacceptable levels of hexavalent chromium, while all other metals were below available comparison levels. Hexavalent chromium is the primary contaminant of concern and was found at concentrations of 18 and 8.2 ug/m3. EPA conducted a risk estimate for an adult and adolescent trespasser and the risk was a little over 4 times the acceptable range (See Attachment 4).

2. Physical Location

See the previously approved Action Memorandum dated September 6, 2016 (attached).

3. Site Characteristics

See the previously approved Action Memorandum dated September 6, 2016 (attached).

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

See the previously approved Action Memorandum dated September 6, 2016 (attached).

5. NPL Status

This Site was listed on the National Priorities List (NPL) on May 17, 2018.

6. Maps, Pictures and Other Graphic Representations

Attachment 1 Site and Facility Location Maps (Site Location, Site Area, and Site Layout Maps)

Attachment 2 Request for a Time Critical Removal Action at the Lane Plating Site (September 6, 2016) (Original Lane Plating Action Memorandum)
Attachment 3 Lane Plating Remedial Investigation Report
Attachment 4 Lane Plating Indoor Air Metals Sampling Results
Attachment 5 Enforcement Attachment (Confidential)

B. Other Actions to Date

1. Previous Actions

See the previously approved Action Memorandum dated September 6, 2016 (attached).

2. Current Actions

There are no current ongoing removal actions at the site. A Feasibility Study (FS) was started in August of 2021 and is expected to be complete in April of 2023. The FS consists of reviewing and identifying Applicable or Relevant and Appropriate Requirements (ARARs), additional sampling to address data gaps from the remedial investigation and preparing/evaluating a list of remedial alternatives. Work on a treatability study is being conducted concurrently with the FS.

C. State and Local Authorities' Role

1. State and Local Actions to Date

See the previously approved Action Memorandum dated September 6, 2016 (attached).

2. Potential for continued State/Local response

At this time there are no response actions anticipated by the State or Local Government entities. At the conclusion of this action, the Site will be referred to the EPA Remedial Program to complete any remaining investigative and/or response activities necessary. The State Government will likely be directly involved in any remaining investigative and/or response activities.

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

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a removal action. Paragraphs (b)(2)(i), (ii), (iii), (iv), (v) and (vii) directly apply to the conditions at the Site. Any one of these factors may be sufficient to determine whether a removal action is appropriate.

A. Threats to Public Health or Welfare

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

See the previously approved Action Memorandum dated September 6, 2016 (attached). EPA was notified in July 2022 that trespassers were entering the MPB for the purposes of stealing copper electrical wiring and metal. Upon inspection and verification of trespassing activities, EPA collected air samples within the MPB. Results indicated unacceptable risk levels of hexavalent chromium utilizing an adult and adolescent trespassing scenario. Refer to the Lane Plating Indoor Air Results Memo (Attachment 4).

Actual or potential contamination of drinking water supplies, NCP Section 300.415(b)(2)(ii):

See the previously approved Action Memorandum dated September 6, 2016 (attached).

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release, NCP Section 300.415(b)(2)(iii):

See the previously approved Action Memorandum dated September 6, 2016 (attached).

High Levels of Hazardous Substances or Pollutants or Contaminants Soils Largely at or Near the Surface, that May Migrate, NCP Section 300.415(b)(2)(iv).

The hazardous substances located in soils in the processing area and in the facility as identified in the Remedial Investigation Report (EPA, November 2020) are elevated and have migrated and continue to migrate southeast toward an intermittent creek which leads to the Trinity River.

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

See the previously approved Action Memorandum dated September 6, 2016 (attached).

Threat of fire or explosion, NCP Section 300.415(b)(2)(vi):

See the previously approved Action Memorandum dated September 6, 2016 (attached).

B. Threats to the Environment

See the Remedial Investigation Report Section 7 dated November 20, 2020 (attached).

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances, pollutants, or contaminants from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to the public health, welfare, or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

The action is anticipated to exceed statutory requirements of 12-months and/or $2 million dollars. The proposed actions of demolition of the buildings, including building foundations, and excavation and disposal of contaminated soils will eliminate the continued release of hazardous substances from those

site sources into the perched groundwater and into unnamed creeks that flow into the Trinity River. The building structures, including foundations, in the processing area of the Site sit on top of contaminated soils. Demolition of these structures is critical to conduct excavation operations. This course of action was determined in coordination with the EPA Remedial Program to ensure it would be consistent with and complement any additional follow-on EPA Remedial activities that may be necessary. Therefore, the Removal Actions proposed in this Action Memorandum will be consistent with potential subsequent Remedial Action related to this Site.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

The EPA proposes the excavation of soils that exceed site-specific cleanup levels identified below from the processing area of the Site and below the building footprint up to five feet below ground surface or until groundwater is encountered whichever comes first. The excavated soils will be disposed of at an approved landfill followed by restoration of the soils to pre-removal conditions. The action will also include demolition of all site structures in the processing area, including removal of the concrete escarpment and building foundations. Demolition activities will follow the abatement and removal of asbestos-containing material and lead-based TSCA wastes that are present in the site structures.

Analyte	**Site Cleanup Level (mg/kg)**
Hexavalent Chromium	30
Mercury	11
Lead	400
Arsenic	35

2. Contribution to Remedial Performance

The Site is currently on the NPL. The development of this action was determined in coordination with the EPA Remedial Program to ensure that the action would complement any additional follow-on EPA Remedial activities. This action focuses on removal of facility source materials, buildings contaminated with asbestos, lead, hexavalent chromium and other metals, and contaminated surface and subsurface soils. Therefore, the Removal Actions being proposed in this Action Memo will be consistent with any potential Remedial Action related to this Site.

3. Applicable or Relevant and Appropriate Requirements

This removal action will be conducted to remove the hazardous substances presenting an actual or potential threat to human health that are present in the facility structures and contaminated soils beneath structures and in surrounding soils, as well as to minimize the threat of continuing releases from inside the facility to trespassers in the MPB. This action is being taken pursuant to CERCLA, 42 U.S.C. § 9601 *et seq.*, in a manner not inconsistent with the NCP, 40 C.F.R. Part 300.

As per 40 C.F.R. § 300.415(i), Fund-financed removal actions pursuant to CERCLA Section 104, 42 U.S.C. § 9604, and removal actions pursuant to CERCLA Section 106, 42 U.S.C. § 9606, shall, to the extent practicable considering the exigencies of the situation, attain the applicable or relevant and appropriate requirements (ARARs) under Federal environmental law, including the Toxic Substances and Control Act (TSCA), 15 U.S.C. § 2601 *et. seq.*, the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300 *et. seq.*, the Clean Air Act (CAA), 42 U.S.C. § 7401 *et. seq.*, Clean Water Act (CWA), 33 U.S.C. § 1251 *et. seq.*, the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et. seq.*, or any promulgated standard, applicable or relevant and appropriate requirements, criteria, or limitation under a state environmental or facility citing law that is more stringent than any Federal standard, requirement, criteria, or limitation contained in a program approved, authorized or delegated by the Administrator and identified to the President by the state.

The cleanup values for this removal action were derived primarily from the preliminary remedial goals (PRGs) using risk calculations for the site. The cleanup values are primarily risk-based, not associated with ARARs. The PRG for hexavalent chromium of 30 mg/kg in soil comes from Regional Screening Level (RSL) for a residential cancer risk of 10^{-4}. This value is also equal to the EPA Removal Management Level (RML) for residential soil of 30 mg/kg, which is protective of direct soil contact via ingestion, skin contact and inhalation. The PRG for arsenic of 35 mg/kg comes from the RSL residential noncancer risk equivalent to a HQ=1. The Regional Screening Level (RSL) for elemental mercury of 11 mg/kg for residential soil is based upon a child inhalation of particulates using the inhalation Reference Concentration (RfC) of 3 x 10-4 mg/m3. The PRG for lead in soil is 400 mg/kg and comes from the RSL noncancer child HQ=1.

While the cleanup standards are risk-based, there are action-specific ARARs which are germane to this action. Due to the fact that consolidation and offsite disposal are the principal elements of this removal action, the RCRA waste analysis requirements found at 40 C.F.R. §§ 261.20 and 261.30, RCRA manifesting requirements found at 40 C.F.R. § 262.20, and the RCRA packaging and labeling requirements found at 40 C.F.R. § 262.30 are deemed to be relevant and appropriate requirements for this removal action. Because onsite storage of hazardous wastes by the EPA is not expected to exceed ninety days, specific storage requirements found at 40 CFR Part 265 are not applicable or relevant and appropriate (See 40 CFR § 262.34). All hazardous substances, pollutants, or contaminants removed off-site for treatment, storage, or disposal shall be treated, stored, or disposed at a facility in compliance, as determined by the EPA, pursuant to 40 CFR § 300.440. All off-site transportation of hazardous materials will be performed in conformity with U.S. Department of Transportation (DOT) requirements at 49 CFR § 172.

Specialized standards for removal of asbestos in demolition, particularly procedures for emission controls in advance of building demolition will be conducted in accordance with the substantive requirements of 40 CFR § 61.145(c) and required notifications will be provided to state and federal authorities.

4. Project Schedule

The EPA anticipates initiating actions as quickly as possible to address the issues associated with the Site. Site mobilization is expected within 2 months of approval of this Action Memo.

B. Estimated Costs

Extramural Costs	Current Ceiling	Proposed Increase	Amended Total
Cleanup Contractor	$ 370,000	$ 4,665,000	$ 5,035,000
START	$ 70,000	$ 470,000	$ 540,000
Total Extramural Costs	$ 440,000	$ 5,135,000	$ 5,575,000
Contingency (20%)	$ 88,000	$ 1,027,000	$ 1,115,000
Removal Project Ceiling	$ 528,000	$ 6,162,000	$ 6,690,000

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If this response action is not taken, hazardous substances will continue to migrate off-site and pose a risk to the public as well as expand the extent of contamination. Additionally, the property is secured by chain link fencing but there is evidence of trespassers having to access the facility resulting in unacceptable exposures.

VIII. OUTSTANDING POLICY ISSUES

There are no known outstanding policy issues associated with this Site.

IX. ENFORCEMENT

See Enforcement Attachment.

The total budget for this removal action is based on full-cost accounting practices that will be eligible for cost recovery. The budgeted costs are estimated to be **$ 10,824,000.**

((Direct Extramural + Direct Intramural {Total Direct}) + (53.75% of Total Direct {Indirect Cost}) = Estimated EPA Cost for a Removal Action

$ 6,690,000 + $ 350,000 + (53.75% x $ 7,040,000) = **$ 10,824,000**

Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective September 30, 2014. These estimates do not include pre-judgment interest, do not consider other enforcement costs, including Department of Justice costs, and may be adjusted during a removal action. The estimates are for illustrative purposes only, and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor the deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

X. RECOMMENDATION

This decision document recommends the selected removal action for the Lane Plating Works Site, in Dallas, Dallas County, Texas developed in accordance with CERCLA, 42 U.S.C. § 9601 *et seq*., and not inconsistent with the NCP, 40 C.F.R. Part 300. 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 and the

CERCLA Section 104(c) consistency exemption from the 12-month and $2 million limitation, and I recommend your approval of the proposed removal action and 12-month and $2 million exemptions. The total CERCLA extramural project ceiling if approved will be $6,690,000. Of this, an estimated $5,575,000 (without contingency) will come from the Regional Removal Allowance.

APPROVED: JOHN MEYER Digitally signed by JOHN MEYER Date: 2022.09.28 10:43:51 -05'00' DATE: _____

John Meyer, Acting Director
Superfund Division