



## REGION 4

ATLANTA, GA 30303

### ACTION MEMORANDUM

DATE: October 3, 2024

SUBJECT: Request for Approval and Funding for a Ceiling Increase Time-Critical Removal Action for the Techtrix, Inc. Site Gadsden, Etowah County, Alabama

FROM: Chuck Berry, OSC  
Emergency Response and Removal Branch

THRU: James W. Webster, Branch Manager  
Emergency Response and Removal Branch

TO: Caroline Y. Freeman, Director  
Superfund & Emergency Management Division

#### I. PURPOSE

The purpose of this Action Memorandum is to request and document the approval and funding of the proposed Time-Critical Removal Action described herein for the Techtrix, Inc. Site (the Site) located at 525 Plainview Street, Etowah County, Gadsden, Alabama. The release or threat of release of hazardous substances at the Site poses a threat to public health and the environment pursuant to Section 104(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(a), that meets *National Oil and Hazardous Substances Pollution Contingency Plan* (NCP) Section 300.415(b)(2) criteria for a removal action to mitigate threats to human health, welfare, and the environment.

An initial Action Memorandum for an emergency response with a total project ceiling of \$250,000 was issued by the On-Scene Coordinator (OSC) on August 7, 2023, pursuant to the OSC's delegated authority under CERCLA Section 104. This memorandum transitions emergency response activities to a time-critical removal action which will include the removal and disposal of electroplating waste and bulk chemicals, as appropriate.

The total project ceiling for this removal action, if approved, will be \$1,980,000.

## II. SITE CONDITIONS AND BACKGROUND

Site Name	Techtrix, Inc.
Superfund Site ID (SSID)	C4W1
NRC Case Number	1408591
Site Location	525 Plainview Street, Gadsden, Alabama, 35901
Lat/Long	34.025980, -86.019840
Potentially Responsible Party (PRP)	See Enforcement Addendum (Enforcement Sensitive)
NPL Status	Not listed
Removal Start Date	August 21, 2024

### A. Site Description

#### 1. Physical Location

The Site is a 5.3-acre parcel located at 525 Plainview Street, approximately one mile northwest of downtown Gadsden, Alabama. The southern 2.5 acres of the parcel contains the main Techtrix business office space and warehouse. The plating lines are within a brick and sheet metal, single-story building, originally constructed in 1929. The main building is approximately 50,000 square feet in size, and there is an additional 3,500 square foot outbuilding located just north of the main structure within the fence line. The Site is surrounded by predominantly by single-family residential houses. There is also a small church near the Site. A daycare facility lies on Tuscaloosa Avenue, approximately 200 feet from the main Site building. A public housing community owned and operated by the Greater Gadsden Housing Authority is located less than 400 feet south of the facility and contains approximately 300 single-family apartments.

The surrounding community is a historically underserved minority population. Using the U. S. Environmental Protection Agency EJ Screen metrics shown in Attachment 1, the area within one-half mile is 75% persons of color with an unemployment rate of 16%. Per capita income is \$19,332. Of the 13 primary EJ indices, the Site scores above 80% state-wide on 10 indices and nationally on eight indices.

#### 2. Site Characteristics

Techtrix, Inc., operated a custom plating facility at the Site beginning in the late 1980s until ceasing operations in March 2024 following the death of its founding owner. The Alabama Department of Environmental Management (ADEM) inspected the facility on multiple occasions, reporting significant permit violations, such as missing waste determinations, documented container management issues, and storage deficiencies. These violations resulted in Notices of Violation and enforcement actions with penalties. After a February 2021 inspection, ADEM referred the facility to the EPA Region 4 Enforcement and Compliance Assurance Division (ECAD) for further enforcement action.

On March 22-23, 2021, the EPA ECAD conducted a RCRA compliance evaluation inspection (CEI) at the Site, which also revealed multiple permit violations.

Approximately 300 intermediate bulk containers (totes), multiple tanks, vats and containers of cyanide compounds were being stored at the facility. During the CEI, the inspectors were informed of and observed waste on site with the following regulatory hazardous waste codes: D001, D002, D003, D006, D007, D008, D011, D040, F006, F007, F008, F009, and U228. These determinations were based on Techtrix's Notification of Regulated Waste Activity, the waste analysis plan, and from observations made during the inspection. The inspectors also observed that Techtrix was storing hazardous waste in the Non-Hazardous Waste Storage Area. At least 85, 250-gallon totes (approximately 21,250 gallons total) were labeled non-hazardous waste. The EPA sampled seven of these containers. The waste within six of the containers sampled was found to be hazardous waste due to corrosivity (D002) and toxicity (cadmium (D006), chromium (D007), silver (D011), and lead (D008).

EPA Region 4 Laboratory Services and Applied Science Division (LSASD) personnel conducted a sampling investigation at Techtrix on March 23, 2021. During the sampling investigation, LSASD identified hundreds of containers of hazardous waste were being stored at the facility beyond permit limits. Additionally, soil contamination over Removal Management Levels (RMLs) for cadmium and lead was identified outside the building.

After reviewing the findings of the CEI and the LSASD sampling investigation, ECAD concluded that conditions at the facility posed an imminent and substantial endangerment, and a RCRA 7003 Order was issued on September 14, 2021. Under the Order, Techtrix began to bring the facility back into compliance, treating and disposing of a large amount of waste. Disposal consisted of waste treatment utilizing an on-site wastewater treatment plant and discharge to a sanitary sewer drain in accordance with a permit with the local publicly owned treatment works (POTW).

Limited attempts to continue to comply with the RCRA 7003 Order were made after the former owner's death in March 2024. After the attorney for the estate indicated to the EPA that a full closure would be unattainable, ECAD referred the Site to the Superfund and Emergency Management Division's (SEMD's) Emergency Response and Removal Branch (ERRB) for consideration of a time-critical removal action.

### **3. Removal Site Evaluation**

A removal site evaluation (RSE) was performed on July 17-19, 2024, with the assistance of Superfund Technical Assistance and Response Team contractors (START). Techtrix's outside counsel and the facility's former compliance officer both assisted in the event and detailed the types of waste stored at the facility. Initial entry in Level C Personal Protective Equipment was performed, and air monitoring identified no airborne contaminants of concern above Permissible Exposure Limits (PELs) for VOCs, acid gasses, or cyanide in the ambient air within the facility. Using the information gained from the compliance officer and field hazardous categorization tests, liquid samples were collected from vats in each major plating line in the facility and the two large groups of totes. Field characterization samples and generator knowledge were used to determine

an appropriate suite of sampling metrics for hazardous waste determination and potential treatment options.

The totes were separated according to the former Techtrix compliance officer's knowledge about the contents, as the facility has already segregated them into cyanide and non-cyanide waste streams. The EPA and START went through the vats and determined which vats within the individual lines were pH compatible and grouped those into composite samples. Many of the vats were devoid of or nearly devoid of liquids, and these were disregarded for sampling, although they were inventoried as they all contained solids that will likely need to be managed as hazardous waste.

Results of sampling identified hazardous substances within the vats and totes on site, with every waste stream containing some level of cadmium. The maximum cadmium value identified was 35,000 milligrams per kilogram (mg/kg). All but one waste stream contained chromium (maximum value 4,600 mg/kg). Cyanide testing proved inconclusive due to laboratory issues, although cyanide detections were seen in roughly half of the samples. Validation review has discarded much of the cyanide data, and the OSC has determined that the waste will be retested once the waste streams are further defined. Field testing, however, determined the presence of cyanide in five of the waste streams at the Site.

Sampling for characteristic waste was also performed to determine if the material would meet certain waste codes. These analyses included ignitability, corrosivity, reactivity, and toxicity using the toxicity characteristic and leachate procedure (TCLP). Five waste streams failed the test for corrosivity, with pH levels below 2.0. All but one of the waste streams failed the test for cadmium toxicity, yielding results greater than 1.0 milligrams per liter (mg/L); all but three failed for chromium toxicity (>5.0 mg/L); four of the waste streams failed for lead toxicity (>5.0 mg/L); and two failed for silver toxicity (>5.0 mg/L). In summary, every waste stream failed TCLP for at least one constituent, meaning all liquid waste tested is a characteristic hazardous waste.

Soil samples were collected from areas around the facility. The OSC used an X-ray fluoroscope (XRF) to collect in situ screenings over the entirety of the Techtrix property, including the five-acre field to the north. The only areas where surface-level contamination was detected were in the areas previously identified by LSASD. START collected composite samples via the incremental sampling method from five small areas on the east side of the building. Two of those samples returned lead levels of 240 mg/kg and 740 mg/kg, respectively, greater than the EPA residential Removal Management Level (RML) of 200 mg/kg. The residential RML for cadmium, 23 mg/kg, was also exceeded at one location, with a value of 350 mg/kg.

Currently, the OSC is in discussion with the Superfund Scientific Support Services Branch to determine the applicability of residential versus industrial RMLs for the exterior soil contamination. Additionally, conversations with the former compliance officer and workers at the facility indicate that waste pits were closed in place in the northeastern

corner of the building. Delineating the location and extent will require the building be essentially emptied and will thus be delayed until the end of the project, if approved. Future efforts to delineate and mitigate soil impacts will be addressed in future Action Memorandum amendments as necessary.

During the assessment, several pinhole leaks were noted in the above-ground storage tanks within the building. At that time, however, adequate measures were in place to monitor the situation, and the facility personnel reported that the leak rate was less than one gallon per week from the heaviest drip, which was collected and poured into a nearby tote. Facility personnel stated they would return to the facility every few days to monitor the leak and empty the collection box. Given the small volume of material being lost and the ability of the facility personnel to monitor the leak and report back to the OSC if conditions changed, no immediate action was warranted.

The EPA conducted a security assessment of the facility prior to demobilization. There appeared to be attempts for entry into the main facility building through the southern loading dock as some of the exterior sheathing was found to be pulled back. At that time, the facility still had power and a functional alarm system, although the alarm system was mainly protecting the offices and not the production lines. There is a tremendous amount of electrical wiring in the building which presents an attractive target for copper scavenging. The OSC asked facility staff to report any break-in attempts. At that time the facility was not a removal site and was still under the control of Techtrix personnel.

#### **4. Initial Emergency Response**

##### **Leaking Storage Tanks**

Two weeks after the initial RSE, the EPA and START returned to the Site to finalize Site information, container locations, and capture additional photo documentation. During this trip, the OSC noticed one of the treatment storage tanks had an area of delaminating fiberglass, causing buckling of the sidewall near the bottom. This condition threatened a catastrophic release if the fiberglass deteriorated further. Based on conversations with the former compliance officer, the seven tanks all contained high levels of heavy metals (cadmium and chromium), and at least one contained cyanide.

These storage tanks were in various conditions, ranging from intact to actively leaking. Very little, if any, secondary containment is present within the facility, and rainwater leaking through the roof was expected to worsen any release. Based on the increased risk of catastrophic failure of one of the tanks and the subsequent potential impacts, the OSC initiated an emergency response to remove the liquid fractions from the tanks and completely empty the delaminating tank.

An Emergency Response Action Memorandum with an initial Site ceiling of \$250,000 was issued using the OSC's warrant authority on August 21, 2024. EPA crews mobilized to the Site on August 22 and completed transfer of material from the tanks into new

totes on August 25, with crews demobilizing the next day.

During the week of September 16, START collected dust samples from five areas of the building. The results showed considerable heavy metals contamination in the dust, exceeding residential soil removal levels for lead and cadmium. An airborne dust response level for the facility of 0.16 micrograms per cubic meter was determined, and using this, the OSC and contractor safety professionals determined that dust removal was necessary for worker safety in the building. Crews mobilized to the Site during the week of September 23 to vacuum material from the open areas of the building. During this period, members of the EPA's Environmental Response Team mobilized to the Site to install continuous cyanide monitors inside the building. One meter placed near one of the plating lines, shows a continuous reading of approximately 0.5 milligram per cubic meter of air, indicating there is a small but detectable ongoing continuous release of cyanide gas.

#### **Site Security and Local Response Plans**

During the emergency response in August, the OSC met with members of the Gadsden/Etowah County Emergency Management Agency (GEMA), Gadsden Fire Department (GFD), and the Gadsden Police Department (GPD) to discuss the facility, Site security, and contingency planning. The worst-case scenario was a structural fire in the 100-year-old wooden building that would melt the cyanide and acid totes and potentially off-gas hydrogen cyanide into the surrounding community. GEMA had already formed a response plan for the facility, which included a ½-mile evacuation zone. Because of the quantities of cyanide and heavy metals, the OSC and GFD agreed that no fire-fighting efforts should be taken directly on the building, with GFD performing only protective measures for the surrounding properties. The EPA agreed it would respond from Atlanta with air monitoring assets if needed.

Since many of the release scenarios at the Site involve trespassers, the OSC, in consultation with GPD, directed ERRS to contract for 24-hour on-site security, installation of additional fencing to surround the southern half of the building, and to install exterior and interior security cameras. Utilities to the building were disconnected, both as a preemptive safety measure and due to the closing of the accounts by the Techtrix owner's estate. A qualified electrician disconnected power to all electroplating machinery and the power supply in the building. The former compliance officer indicated that much of the electrical service in the building had been installed by unlicensed Techtrix personnel and fails to meet modern electrical code. Subsequently, the EPA reestablished electrical service to select portions of the building. Electricity was reestablished in the offices, the warehouse break area, warehouse lighting, ventilation fans, and to several newly installed outlets in the warehouse to power response equipment during a removal action. No other electrical sources are energized, and, where appropriate, the fuses and breakers were all pulled or opened, and the boxes tagged out. The circuits that are energized will all be opened upon workers exiting the building, except for the ventilation fans.

## **5. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant or Contaminant**

The documented chemicals at the Site include hydrochloric, nitric, and sulfuric acids, potassium and sodium hydroxide, cadmium, chromium, nickel, lead, and potassium and sodium cyanide compounds. Additionally, all the liquid waste carries a characteristic waste code for toxicity for one or more constituents. Also, based on the activities previously carried out at the facility, certain F-list waste codes listed at 40 CFR § 302.4 may also be applicable.

Currently, there are several hundred containers including tanks, vats, totes, drums, and small containers within the building that contain electroplating waste and hundreds of additional containers of virgin products used in the electroplating process. Very little if any secondary containment is present within the facility. Many of the totes are severely rusted, and, while none are actively leaking, there is a risk of failure if left unaddressed. If primary containment were to fail, hazardous substances would be released onto the floor of the facility and be released to the environment through floor drains or sheet flow out of the building, or cause other containers to become compromised. Chemical reactions could occur from mixing of released liquids producing gas-phase cyanide compounds. Additionally, any liquids escaping from the facility could pose a direct contact or ingestion risk to the surrounding residents and potentially impact nearby waterways. The nature and conditions of the chemicals and compounds present at the Site pose an imminent and substantial endangerment to the public and the environment.

## **6. NPL Status**

The Site is not listed on, nor has it been proposed to be listed on, the Superfund National Priorities List (NPL). At this time, ERRB does not anticipate referring the Site to the NPL site assessment program.

## **B. State and Local Authorities' Roles**

### **1. State and Local Actions to Date**

As noted previously, during the emergency response, the OSC met with members of the Gadsden/Etowah County emergency management and fire and police to consider Site security, and contingency planning. Local emergency management authorities continue to coordinate with the EPA to implement an emergency management response plan in the event of a facility fire and to address site security issues.

### **2. Potential for State/Local Response**

The Site was referred to the ERRB from EPA Region 4's ECAD due to the Potentially Responsible Party's failure to comply with its obligations under an EPA-issued RCRA

7003 Order. The EPA will continue to lead enforcement and response efforts at the Site, with ADEM as a support agency.

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

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

The primary concern at the Site is the potential for a release of hydrogen cyanide gas. Solid cyanide product and liquid cyanide-containing electroplating waste in plastic containers and open top vats within the facility are susceptible to containment failure resulting from trespass, fire, or natural disaster. The potential for a release of hydrogen cyanide gas and the location of the facility in a residential neighborhood constitutes a significant risk to public safety.

Additionally, the amount of electroplating waste stored in plastic containers and open topped vats with high or low pH and extremely high concentrations of heavy metals poses a direct exposure and/or dermal exposure risk to anyone interacting with the containers. There is also a possibility of containment being lost and hazardous substances escaping the building.

Years of poor material handling practices has led to soil contamination at the Site. Hazardous substances identified contaminating Site soils include lead, arsenic, cadmium, chromium, silver, and vanadium.

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

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

Trespassers in the building can be exposed to hazardous substances, particularly cyanide, in open vats. There is a documented ongoing continuous release of a very small but detectable concentration of cyanide from one of the plating lines. The facility presents an attractive target for theft, and the likelihood of a trespasser being exposed is considerable, as much of the copper wiring that would likely be targeted by scavengers is held in the electrical connections directly on and above the plating vats.

Additionally, poor material handling practices have led to soil contamination outside the building. During the March 2021 investigation by ECAD, workers were observed cleaning out vats in a gutter outside the facility building. The gutter drains directly to soil on the east side of the building. LSASD sampled the drainage pathway and identified an area with lead and cadmium contaminations of 1,700 mg/kg and 2,300 mg/kg, respectively. These concentrations exceed the industrial RMLs for lead and cadmium of 800 mg/kg and 350 mg/kg, respectively, although the OSC proposes that the residential removal levels (200



mg/kg for lead and 23 mg/kg for cadmium) are more appropriate risk values to consider due to the Site's proximity to nearby residential property. Additionally, all other RCRA-regulated metals as well as cyanide were detected at all soil sampling locations, albeit at levels lower than RMLs.

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

The facility contains several hundred containers, including tanks, vats, totes, drums, and small containers, that contain electroplating waste and virgin products used in the electroplating process. Hydrochloric, nitric, and sulfuric acids, potassium and sodium hydroxide, cadmium, chromium, nickel, lead, potassium cyanide, and sodium cyanide were identified during the RSE. All these are hazardous substances listed at 40 CFR § 302.4.

***Section 300.415 (b)(2)(iv) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate;***

Soil contamination above the industrial RML for lead and cadmium is documented within a drainage path on the east side of the building. The drainage path leads to a nearby apartment complex. Metals from plating operations are typically highly soluble in water, and thus present a migration threat to the nearby community. Additionally, there is detectable cyanide in the exterior soil, albeit at levels below the RML. These likely exist as cyanide-metal complexes with the other observed heavy metals and are generally soluble in water.

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

The facility's roof leaks during rain events. This rainwater might mix with spills, should they occur, and transport hazardous substances from the facility. This mixing can lead to reactions, particularly with the cyanide-bearing waste, releasing toxic gases into the building. Additionally, the discharge point for the facility floor drains is unknown and may discharge directly outside the building, providing a source of release of hazardous substances into the soil. A severe weather event such as a tornado could result in physical damage to containers within the facility resulting in a release of hazardous waste and bulk chemicals into the environment. Additionally, a fire resulting from a lightning strike could result in the release of hazardous substances.

***Section 300.415(b)(2)(vii) Threat of fire or explosion;***

The facility presents an attractive target for vandals or scrap thieves. Measures were taken during the emergency response to reduce the likelihood of a fire or explosion resulting from trespass or faulty wiring within the facility. However, the building is nearly 100 years old with a wooden structure that will readily burn if a fire occurs. There are nearly 18,000 gallons of cyanide-bearing waste in intermediate bulk containers with polyethylene shells

which will melt in a fire, releasing their contents.

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

The property owner is deceased, and the company is insolvent. The Site was referred to the EPA by ADEM and to ERRB from ECAD. ADEM and ECAD have no plans or capability to conduct the necessary removal actions.

**IV. ENDANGERMENT DETERMINATION**

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

**V. SELECTED REMOVAL ACTIONS AND ESTIMATED COSTS**

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

**1. Current Situation**

Considering the factors explained above, the OSC initiated an emergency response removal action to remove unknown liquids from compromised tanks and prevent the release or potential release of a hazardous substance to the environment. Additional security measures were implemented such as securing doors and other easy points of entry. A 24-hour security guard service was hired and is currently patrolling the Site. Remote cyanide monitoring is conducted within the facility. Camera surveillance has been established along the perimeter of the Site. Measures have been taken to install fencing at the Site. The facility is stabilized, and there is no active release at the facility at this time.

**2. Removal Activities to Date**

**a. Federal Government/Private Party**

Prior to ERRB involvement, ECAD and the facility owner conducted waste pretreatment and discharge. ERRB has taken an emergency response to stabilize leaking tanks and shore up Site security. No wastes were removed from the Site during the emergency response.

**b. State/Local**

No State or Local removal actions have been taken. However, GEMA and GFD remain aware of the Site and have a community response plan in place to deal with any adverse Site events.

### **3. Enforcement**

The executor of the owner's estate has signed an access agreement for the EPA to take a removal action. Further information is contained in the attached enforcement addendum.

## **B. Planned Removal Actions**

### **1. Proposed Action Description**

Potential removal activities for the Site may include, but will not be limited to the following:

- a. Prepare work and safety plans as necessary to ensure safe and efficient operations;
- b. Perform any necessary modifications to the property to further Site operational efficiency and safety, such as restoring ventilation and operable doors;
- c. Properly characterize all individual containers, and transfer or bulk package material into new containers adequate for shipping;
- d. Remove all waste and bulk chemicals from the facility and properly dispose at an approved disposal facility in compliance with the CERCLA off-site rule;
- e. Remove all sludge and residue from the production vats and piping and properly dispose of the waste and chemicals at an approved disposal facility in compliance with the CERCLA off-site rule, and either properly dispose of, stage, or recycle the container material, as appropriate;
- f. Conduct a sub-surface/sub-slab investigation to identify any contamination in subsurface soil below the slab;
- g. Decontaminate any areas of the building deemed necessary by the OSC;
- h. Further delineate surface soils impacted by improper material handling and remediate as necessary;
- i. Maintain adequate site security until waste and chemicals have been removed from the Site; and
- j. Prepare and implement a community involvement strategy and hold public meetings to convey information to interested stakeholders.

### **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. Applicable or Relevant and Appropriate Requirements (ARARs)**

In accordance with the NCP at 40 CFR § 300.415(j), on-site removal actions conducted under CERCLA, are required to attain all legally applicable, or relevant and appropriate requirements (ARARs) to the extent practicable, considering the exigencies of the situation or provide grounds for invoking a CERCLA waiver under § 121(d)(4). In determining whether compliance with ARARs is practicable, the lead agency may consider appropriate factors, including (1) the urgency of the situation; and (2) scope of the removal action to be conducted. Off-site removal activities need only comply with all applicable federal and state laws unless there is an emergency.

Applicable requirements, as defined in 40 C.F.R. § 300.5, mean those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under federal environmental or state environmental or facility siting laws that specifically address a hazardous substance, pollutant, or contaminant, remedial action, location, or other circumstance at a CERCLA site.

Relevant and appropriate requirements, as defined in 40 C.F.R. § 300.5, mean those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under federal environmental or state environmental or facility siting laws that, while not “applicable” to a hazardous substance, pollutant, or contaminant, remedial action, location, or other circumstance at a CERCLA site, address problems or situations sufficiently similar to those encountered at a CERCLA site that their use is well suited to the particular site. Additionally, under 40 CFR § 300.400(g)(3), other advisories, criteria or guidance may also be considered (“To-Be-Considered,” or TBC), when conducting the removal action.

On September 9, 2024, the EPA requested ADEM identify any potential state ARARs. A response was received on September 13, 2024. Per 40 C.F.R. § 300.400(g), only those state standards that are promulgated, that are identified in a timely manner, and that are more stringent than federal requirements may be applicable or relevant and appropriate. For purposes of identification and notification of promulgated state standards, the term promulgated means that the standards are of general applicability and are legally enforceable. State ARARs are considered more stringent where there is no corresponding federal ARAR, where the state ARAR provides a more stringent concentration of a contaminant, or where a state ARAR is broader in scope than a federal requirement.

Under CERCLA § 121(e)(1), federal, state, or local permits are not required for the portion of any removal or remedial action conducted entirely on-site as defined in 40 CFR § 300.5. See also 40 CFR § 300.400(e)(1) & (2). On-site means the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action. On-site response actions must comply, to the extent practicable, with substantive but not administrative requirements of ARARs. Off-site activities such as transportation, treatment, and disposal of wastes

are required to comply with all applicable requirements, including the administrative portions.

Potential Federal and Alabama Action-specific ARARs identified for the response action include but may not be limited to the following regulations related to generation, characterization, and temporary staging/storage of RCRA hazardous wastes for off-site treatment and disposal:

- a. RCRA Solid and Hazardous Waste Characterization – includes requirements to characterize solid waste and determine if hazardous waste (Listed or Characteristic) and whether wastes meet land disposal restrictions (LDR) treatment standards. 40 CFR § 262.11 (ADEM 335-14-3-.01) and part 261 (ADEM 335-14-2),
- b. RCRA Hazardous Waste Storage – includes requirements for temporary on-site storage of hazardous waste in containers. 40 CFR §§262.17 (ADEM 335-14-3-.01(7))),
- c. RCRA Hazardous Waste Treatment/Disposal – includes RCRA LDR treatment standards for wastes, soil and hazardous debris. 40 CFR §§ 268.40 (ADEM 335-14-9-.04(1)), 268.45 (ADEM 335-14-9-.04(6)), 268.7 (ADEM 335-14-9-.01(7)), and 268.9 (ADEM 335-14-9-.01(9)), 268.49(c) (ADEM 335-14-9-.04(9))),
- d. RCRA Hazardous Waste Pre-transportation – includes requirements for generator to prepare wastes for transport to off-site treatment/disposal facility. 40 CFR §262.10(h) (ADEM 335-14-3-.01(h)), 262.20(f) (ADEM 335-14-3-.02(1)(f)), and 263.10(a) (ADEM 335-14-4-.01(1)(a))
- e. DOT Hazardous Materials Regulations – 49 CFR §171.1(c).

Depending upon results of further investigation of the Site, additional ARARs may be identified. The EPA OSC will remain in communication with the State to develop an approach consistent with all ARARs to the extent practicable considering the exigencies of the situation.

#### 4. Project Schedule

The removal action is anticipated to be completed within 12 months of the Start Date listed in Section II of this document.

#### C. Estimated Costs<sup>2</sup>

Contractor costs (ERRS)	\$ 1,465,000
Contractor costs (START)	\$ 175,000
<u>Contractor costs (ERT)</u>	<u>\$10,000</u>
<b>Removal Subtotal</b>	<b>\$1,650,000</b>
Contingency 20%	<u>\$ 330,000</u>
<b>Total Removal Project Ceiling</b>	<b>\$ 1,980,000</b>

Although cost recoverable, EPA direct and indirect costs 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.

**VI. 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 environment from the uncontrolled release of hazardous substances.

**VII. OUTSTANDING POLICY ISSUES**

None.

**VIII. RECOMMENDATION**

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)(2) criteria for a time-critical removal action. This time-critical removal action is anticipated to be fund-lead, with a total project ceiling of \$1,980,000 funded through the Regional Removal Allowance.

APPROVED:

DATE:

\_\_\_\_\_  
Caroline Y. Freeman, Director  
Superfund and Emergency  
Management Division

DISAPPROVED:

DATE:

\_\_\_\_\_  
Caroline Y. Freeman, Director  
Superfund and Emergency  
Management Division

Attachments:

1. EJ Screen
2. Confidential Enforcement Addendum

Attachment 1  
EJ Screen



# EJScreen Community Report

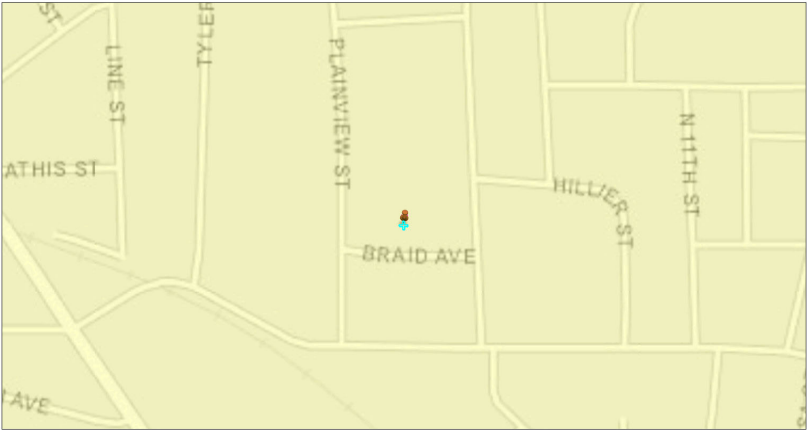
This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

## Techtrix

.5 miles Ring Centered at 34.025900,-86.019834

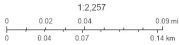
Population: 1,194

Area in square miles: 0.79



September 5, 2024

Techtrix  
Search Result (point)

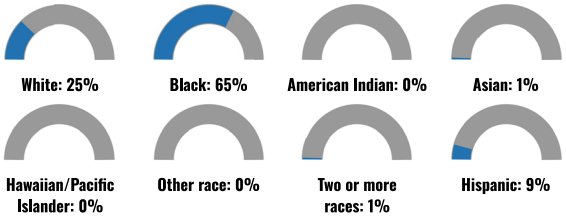


Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community. Data: HERE, Garmin, GeoNames, Inc., USGS, EPA.

### COMMUNITY INFORMATION



### BREAKDOWN BY RACE



### BREAKDOWN BY AGE



### LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2018-2022. Life expectancy data comes from the Centers for Disease Control.

### LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	94%
Spanish	5%
Russian, Polish, or Other Slavic	1%
Total Non-English	6%



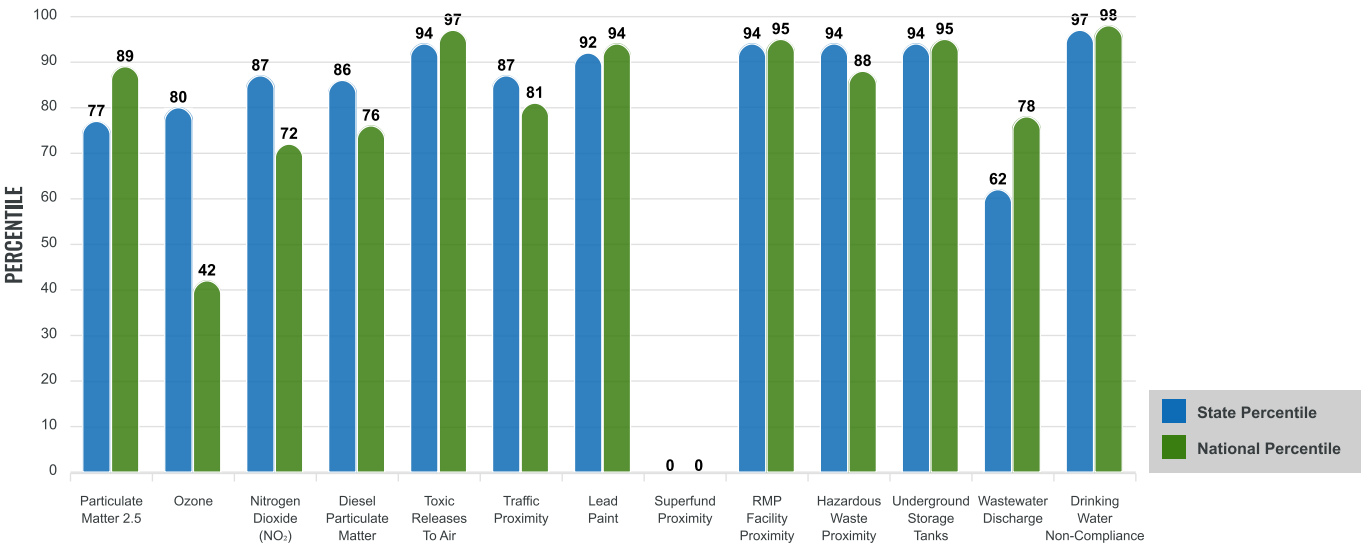
# Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

## EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

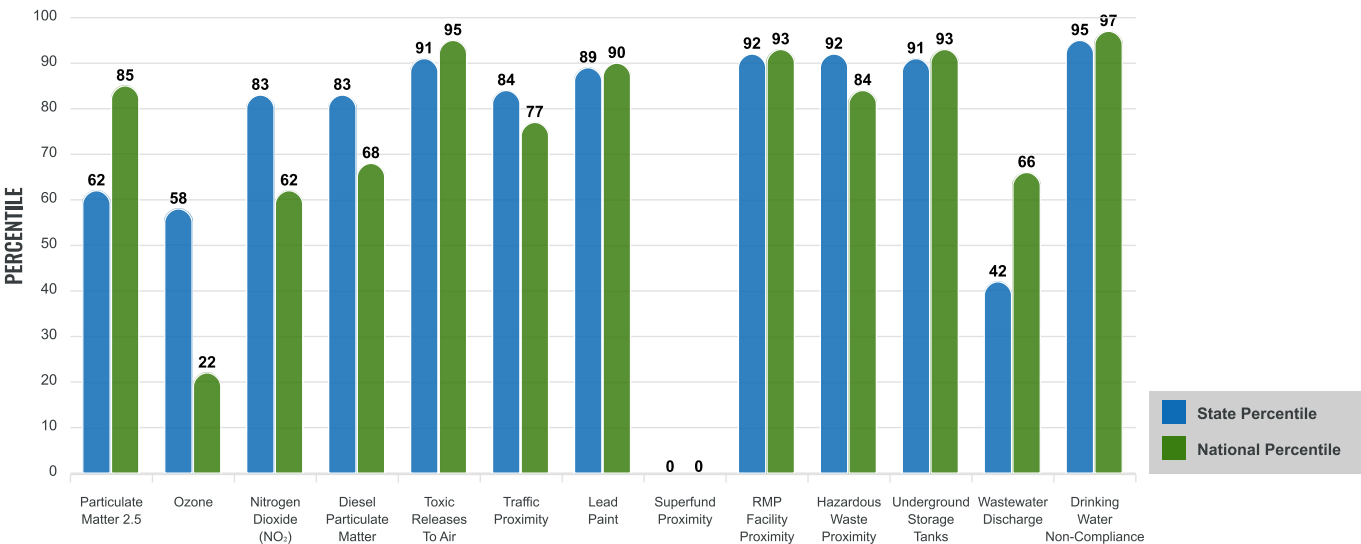
### EJ INDEXES FOR THE SELECTED LOCATION



## SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low income, percent persons with disabilities, percent less than high school education, percent limited English speaking, and percent low life expectancy with a single environmental indicator.

### SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



Report for .5 miles Ring Centered at 34.025900,-86.019834  
Report produced September 5, 2024 using EJScreen Version 2.3

# EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
<b>ENVIRONMENTAL BURDEN INDICATORS</b>					
Particulate Matter 2.5 ( $\mu\text{g}/\text{m}^3$ )	8.54	8.74	44	8.45	62
Ozone (ppb)	53.3	54.1	41	61.8	13
Nitrogen Dioxide ( $\text{NO}_2$ ) (ppbv)	6.3	5.1	71	7.8	36
Diesel Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	0.134	0.115	69	0.191	41
Toxic Releases to Air (toxicity-weighted concentration)	7,000	21,000	82	4,600	90
Traffic Proximity (daily traffic count/distance to road)	870,000	630,000	72	1,700,000	51
Lead Paint (% Pre-1960 Housing)	0.54	0.19	91	0.3	76
Superfund Proximity (site count/km distance)	0	0.099	0	0.39	0
RMP Facility Proximity (facility count/km distance)	1.6	0.36	96	0.57	90
Hazardous Waste Proximity (facility count/km distance)	2.6	0.74	91	3.5	64
Underground Storage Tanks (count/ $\text{km}^2$ )	7.8	1.9	94	3.6	86
Wastewater Discharge (toxicity-weighted concentration/m distance)	19	23000	30	700000	41
Drinking Water Non-Compliance (points)	25	4.1	93	2.2	98
<b>SOCIOECONOMIC INDICATORS</b>					
Demographic Index USA	2.7	N/A	N/A	1.34	91
Supplemental Demographic Index USA	2.33	N/A	N/A	1.64	85
Demographic Index State	2.69	1.49	87	N/A	N/A
Supplemental Demographic Index State	2.35	1.95	75	N/A	N/A
People of Color	75%	38%	82	40%	80
Low Income	64%	38%	86	30%	91
Unemployment Rate	15%	6%	90	6%	92
Limited English Speaking Households	2%	1%	84	5%	62
Less Than High School Education	17%	13%	69	11%	77
Under Age 5	5%	6%	55	5%	55
Over Age 64	17%	19%	47	18%	53

\*Diesel particulate matter index is from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

## Sites reporting to EPA within defined area:

Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	1
Water Dischargers	5
Air Pollution	1
Brownfields	0
Toxic Release Inventory	1

## Other community features within defined area:

Schools	0
Hospitals	0
Places of Worship	9

## Other environmental data:

Air Non-attainment	No
Impaired Waters	No

Selected location contains American Indian Reservation Lands*	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community	Yes
Selected location contains an EPA IRA disadvantaged community	Yes

Report for .5 miles Ring Centered at 34.025900,-86.019834

Report produced September 5, 2024 using EJScreen Version 2.3

## EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	26%	23%	77	20%	92
Heart Disease	9.4	6.9	93	5.8	96
Asthma	13.7	10.8	97	10.3	97
Cancer	6.3	6.7	35	6.4	47
Persons with Disabilities	14.5%	17.2%	35	13.7%	61

CLIMATE INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	5%	13%	11	12%	40
Wildfire Risk	0%	12%	0	14%	0

CRITICAL SERVICE GAPS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	25%	18%	71	13%	85
Lack of Health Insurance	23%	10%	97	9%	95
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access Burden	Yes	N/A	N/A	N/A	N/A
Food Desert	No	N/A	N/A	N/A	N/A

Report for .5 miles Ring Centered at 34.025900,-86.019834

Report produced September 5, 2024 using EJScreen Version 2.3

Attachment 2  
Enforcement Addendum  
(Confidential)