



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MEMORANDUM

DATE:

SUBJECT: Approval and Funding for a Time-Critical Removal Action at the LeFevre Street Container Site – Bridesburg Section, City of Philadelphia, Pennsylvania – Site ID # A3MZ

FROM: Jack Kelly, On-Scene Coordinator *JK*
Eastern Response Branch (3SD31)

TO: Paul Leonard, Director
Superfund & Emergency Management Division (3SD00)

THRU: Michael Towle, Chief
Preparedness and Response Branch (3SD30)
Superfund & Emergency Management Division

I. PURPOSE (CATEGORY OF REMOVAL ACTION: TIME-CRITICAL)

The purpose of this Action Memorandum is to request and document approval for a time-critical removal action (“Removal Action”) to mitigate the release or threat of release of hazardous substances, pollutants, or contaminants from the Lefevre Street Container Site (“Site” or “Lefevre Street Site”) in Philadelphia, Pennsylvania. The proposed action would be the second removal action at the Site. The first occurred in 2009. (*See* Section II.C, below). In 2018, EPA conducted a removal site evaluation of the Site in accordance with Section 300.410 of the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”), 40 C.F.R. § 300.410, and identified a threat to public health and the environment due to the uncontrolled presence and potential for release of hazardous substances, notably polychlorinated biphenyls (“PCBs”), or other pollutants or contaminants in soils at the Site. Based upon the removal site evaluation, and a review of its results by the On-Scene Coordinator (“OSC”), a Removal Action is necessary to mitigate threats posed by the release and/or substantial threat of release of PCBs or other hazardous substances, pollutants or contaminants from the Site and to protect public health, welfare, and/or the environment.

To mitigate the threat, funding under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. §§ 9601-9675, in the amount of \$710,000 is requested of which \$515,000 is from the Regional Allowance.

II. SITE CONDITIONS AND BACKGROUND

A. Physical Location and Site Characteristics

The Site is currently a vacant lot, roughly 55 feet by 190 feet and often overgrown with weeds, located at 2710 LeFevre Street in the Bridesburg section of the City of Philadelphia (“City”). Approximately one-half of the Site is covered by a concrete slab that likely served as the floor of a former warehouse. Residential yards border the Site on two sides. Trespassers readily gain access to the Site, as evidenced by cigarette lighters and beverage cans EPA has observed strewn throughout the Site property. On March 11, 2020, an approximate 20-foot section of a wooden fence, separating a residential yard from the Site along LeFevre Street was observed by the OSC to be completely torn down. In addition, a portion of a cyclone fence along LeFevre Street was pulled away, allowing trespass.

B. Prior Operations at the Site

Prior to October 2008, a two-and-a-half-story brick warehouse was located on the Site. Available records indicate the warehouse was used by a sanitary supply company in 1930 until 1945. The warehouse reportedly covered the entire Site until a fire destroyed the approximate back third of the warehouse in 1938. This back area then remained a vacant lot after 1938. As best can be determined, the warehouse was subsequently used for concrete supply operations from 1945 to 1951; roofing materials, rolled tin, and insulation supply from 1951 to 1953; and lumber supply from 1953 to 1955. From 1955 to October 2008, when the City demolished the warehouse pursuant to a Court order, it housed electrical supplies and equipment. It is unknown what practices were used to handle and maintain this equipment.

C. Prior Response Actions at the Site

In April 2009, EPA conducted a removal site evaluation at the Site after the City informed EPA that potentially contaminated liquid-filled containers remained at the Site following the City’s demolition of the warehouse. At that time, the Site contained thirteen 55-gallon drums, three 30-gallon drums, five totes with 300-gallon capacity, and miscellaneous smaller containers. These drums, totes, and containers were accessible to trespassers, including teenagers. The City had previously arranged for laboratory analyses of the liquids in the containers, and several were found to contain elevated levels of PCBs. The OSC’s evaluation revealed the potential for the release of these hazardous substances to the environment, posing a threat to public health or welfare or the environment.

On April 14, 2009, the OSC initiated a removal action under his Special Bulletin authority after confirming that PCBs were present in high levels in the containers. EPA laboratory analyses revealed there were PCBs in the oils contained in five of the 13 drums and in all five totes. PCB concentrations ranged from 2.4 milligrams/kilogram (“mg/kg”) to 278,000 mg/kg. EPA’s removal action was completed in June 2009 and entailed the removal and proper off-Site disposal of the PCBs in the containers, as well as pumping and recycling non-contaminated heating oil contained in an abandoned underground tank at the Site.

D. 2018 Removal Site Evaluation

As described below, the key problem areas at the Site are surface and subsurface soils with concentrations of PCBs at levels exceeding cleanup standards established by regulations promulgated under the Toxic Substances Control Act of 1976, as amended (“TSCA”), 15 U.S.C. §§ 2601-2629. Under these regulations (“TSCA PCB regulations”), PCBs shall not exceed concentrations of 1 part per million (“ppm”) in areas of high occupancy use; and PCBs at concentrations between 1 ppm and 10 ppm may remain in areas of high occupancy use, provided they are capped in accordance with the TSCA PCB regulations (1 ppm = 1 mg/kg). *See* 40 C.F.R. § 761.61(a)(4). Most sampling results also exceed the EPA Superfund residential Removal Management Levels (“RML”) for the PCBs detected: Aroclor 1248 (RML = 23 mg/kg) and Aroclor 1260 (RML = 24 mg/kg). Industrial RMLs also were exceeded: Aroclor 1248 (RML = 94 mg/kg) and Aroclor 1260 (RML = 99 mg/kg). The concrete slab and soils below it may contain PCBs exceeding the TSCA cleanup standards and RMLs.

During 2018 and 2019, EPA conducted a removal action at the Belgrade Transformer Site in Philadelphia (“Belgrade Site”), a facility owned and operated by the previous owner and operator of the Lefevre Street Site. EPA believes that electrical equipment, including several PCB transformers contained in a warehouse at the Belgrade Site, may have been moved there from the Lefevre Street Site prior to the City’s demolition of the warehouse in October 2008. In addition, the OSC obtained credible information suggesting that PCBs may have been disposed of in soils at the Lefevre Street Site. In 2018, the OSC requested permission from the new owners of the Lefevre Street Site to collect samples there because he had learned that the Site had been approved for the construction of homes. EPA collected surface soil samples in August 2018 and subsurface samples in September 2018. The results showed elevated concentrations of PCBs in soils at the Site.

In August 2018, EPA collected a total of seven surface samples (i.e., surface to 6 inches below grade) at the Site. The PCB levels reported by the laboratory for these samples in mg/kg were, respectively, 0.15, 93, 230, 311, 357, 460 and 1050. Several of the samples were collected within a few feet of the Site’s property boundary with the adjacent residential properties. The detected PCBs were Aroclors 1248 and 1260.

In September 2018, a total of 19 subsurface samples were collected at depths ranging from one to seven feet below grade. Eight of the results were non-detect (ND) for PCBs, eight were ND to 1 mg/kg, and three ranged from 1 to 5.5 mg/kg. All three of the values above 1 mg/kg were collected from the 2- to 2.5-foot depth range. Detected PCBs were Aroclors 1248 and 1260. EPA also performed a geophysical survey in September 2018. The underground tank identified during the removal action in 2009 was located. Several other metallic anomalies below the ground surface were noted, but their significance and previous use are currently unknown.

As part of the 2018 removal site evaluation, EPA reviewed historic aerial photographs of the Site from approximately 2007, prior to demolition of the warehouse. These photographs show the presence of containers and other equipment in the back portion of the Site. These items were located along the fence line of at least two adjacent residential properties.

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

PCBs are hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and are listed as such in 40 C.F.R. Part 302.4 of the NCP. In addition, PCBs are a primary substance regulated by TSCA, which provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures, including PCBs.

As discussed above, when a cleanup is performed in accordance with 40 C.F.R. § 761.61(a)(4), the cleanup level for PCBs is less than or equal to 1 ppm in areas of high occupancy use although areas with PCB concentrations between 1 ppm and 10 ppm designated for high occupancy use may be capped in accordance with the TSCA PCB regulations. The cleanup level for low occupancy use is less than or equal to 25 ppm; however, concentrations between 25 ppm and 50 ppm are permissible if the site is secured by a fence and is marked by signs notifying the public about the presence of PCBs. In addition, PCBs at concentrations between 25 ppm and 100 ppm may remain in areas of low occupancy use if they are covered by a cap complying with the TSCA PCB regulations. The terms “high occupancy area” and “low occupancy area” are defined in the TSCA PCB regulations. *See* 40 C.F.R. § 761.3. A high occupancy area would be suitable for residential purposes; a low occupancy area could not be used for residential purposes.

As described above, PCBs were found in Site soils at levels significantly higher than CERCLA RMLs and concentrations permitted for both low- and high-occupancy use, as defined in 40 C.F.R. Part 761, regulations promulgated under the TSCA PCB regulations. The elevated PCB concentrations were found in soils close to neighboring residential yards and the adjacent LeFevre Street sidewalk. Based on these results, the OSC believes PCBs may have migrated to or may potentially be migrating to the adjacent yards and sidewalk. EPA currently has no direct information on how the PCBs came to be disposed of at the Site. Elevated PCB levels may also be found in the concrete slab at the Site.

F. NPL Status

The Site is not presently on or being proposed for the National Priorities List (“NPL”). It has not undergone or been proposed for HRS Scoring.

G. Maps, Pictures, or Other Graphic Representations

At the end of this package are the following:

- Figure 1, which identifies subsurface analytical results for PCBs at the Site;
- Figure 1A, which identifies surface soil analytical results for PCBs at the Site; and
- Figure 2, which is a recent aerial photograph showing the location of the Site.

H. State and Local Authorities' Role

Neither the Pennsylvania Department of Environmental Protection ("PADEP") nor the City have the resources to perform an action at the Site. No other State or local agency has the authority or resources to address the threat of release or to conduct a Removal Action in a timely manner at the Site. PADEP is not authorized under TSCA to address PCB contamination, as such, PADEP routinely defers to EPA for sites where the primary contaminants are PCBs. As discussed in Section II.C, above, the City previously referred this Site to EPA.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT

Section 300.415 of the NCP lists factors to be considered in determining the appropriateness of a Removal Action. 40 C.F.R. § 300.415. As described below, subsections (b)(2)(i), (b)(2)(iv), (b)(2)(v), and (b)(2)(vii) of Section 300.415 directly apply to the conditions as they exist at the Site.

- A. *Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.* 40 C.F.R. § 300.415(b)(2)(i).

Hazardous substances, specifically PCBs, were released into the soil at the Site. Based on observations by the OSC, trespassers have entered the Site and appear to spend considerable time there. Discarded beverage cans, cigarette lighters, and consumer packaging were observed. The fence separating the Site property from several residential yards and from the LeFevre Street pavement is damaged in several places allowing for easy access. Given the proximity of the yards and the unknown nature of when and how the soil became contaminated, PCBs may have migrated to residential properties. The PCB levels found in many of the locations sampled at the Site far exceed the cleanup values required under the TSCA PCB regulations. PCBs may exist in the concrete slab at the Site that trespassers walk on and may sit upon based on the pattern of discarded consumer products.

- B. *Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release.* 40 C.F.R. § 300.415(b)(2)(iii).

A geophysics investigation identified six underground metallic anomalies. Based on the 2009 removal action, one is known to be a large underground tank. The oil contained in it was removed in 2009. The significance of the five other smaller anomalies is not known but warrant further investigation should one or more of the five anomalies be a drum or container holding hazardous substances in this residential neighborhood. Two of the anomalies are estimated to be at a depth within one to three feet from the surface.

- C. *High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate.* 40 C.F.R. § 300.415(b)(2)(iv).

Of seven surface soil samples collected, six were found to contain PCB concentrations ranging from 93 to 1050 mg/kg. The Superfund residential RMLs for the PCBs detected are 23

mg/kg and 24 mg/kg. It is not known when or how the soils became contaminated. A more robust sampling effort would determine the extent and severity of the surface and subsurface contamination. It is possible that historic operations at the Site may have allowed PCBs to migrate beyond the Site property boundary to the residential yards and LeFevre Street.

D. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released. 40 C.F.R. § 300.415(b)(2)(v).

Extremely dry and windy conditions could cause soil particles containing PCBs to migrate off-Site to neighboring properties and public rights-of-way. Drenching rainfall events could create the potential for runoff of perched water containing PCB-contaminated soil that might migrate to nearby storm sewers in the street.

E. The availability of other appropriate Federal or State response mechanisms to respond to the release. 40 C.F.R. § 300.415(b)(2)(vii).

Based on the OSC's past interactions with the State and local authorities, neither have the resources to perform an action at the Site. PADEP is not authorized under TSCA to address PCB contamination, and, as such, PADEP routinely defers to EPA for sites where the primary contaminants are PCBs. In the past, the City referred the Site to EPA. If no response is taken, it is likely that hazardous substances will be released from the Site over time.

IV. ENDANGERMENT DETERMINATION

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

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The proposed action is intended to mitigate the threat posed to the public health and welfare and environment by the actual or potential release of hazardous substances from the Site. The proposed action consists of additional characterization and waste removal/cleanup. Removal of the PCB-contaminated soil and off-Site disposal in accordance with CERCLA and the TSCA PCB regulations is the only feasible solution for mitigating threats posed by the situation.

A. Proposed Action Description

The response actions described in this Action Memorandum directly address actual or potential releases of hazardous substances, pollutants or contaminants on or from the Site, which may pose an imminent and substantial endangerment to public health or welfare or the environment. Removal activities on Site will include:

1. Mobilize personnel and equipment to the Site to implement response actions;

2. Secure the work area/Site to minimize the potential for exposure to hazardous substances and to reduce the potential that persons could be injured by activities related to the response action;
3. Establish and implement appropriate health and safety protocols, work zone delineations, and monitoring and sampling at the Site to prevent off-Site releases of PCBs or other hazardous substances, pollutants, or contaminants;
4. Clear and grub vegetation and use heavy equipment as necessary to clear any obstructions that could interfere with excavation of Site soil or other materials;
5. Remove and dispose of off-Site, or cap on-Site, PCB-contaminated soil in accordance with the cleanup levels for bulk PCB remediation waste for areas of high occupancy use as required by 40 CFR § 761.61(a)(4)(i)(A) (See Section II. E.);
6. Further evaluate the underground metallic anomalies at the Site to determine if they contain or have released hazardous substances, pollutants or contaminants, including non-PCB Aroclors. If the threat to public health exceeds a 1E-4 cancer risk or a Hazard Index (HI) of 3 non-cancer risk, or a fire, explosion or other imminent threat exists, remove, transport and dispose of off-Site the materials and/or soils in accordance with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), and 40 C.F.R. § 300.440, or cap on-Site;
7. Transport and dispose of off-Site all soils with PCB concentrations exceeding 1.0 ppm not identified for capping in accordance with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), and 40 C.F.R. § 300.440.
8. Transport and dispose of off-Site all concrete with PCB concentrations exceeding 1.0 ppm in accordance with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), and 40 C.F.R. § 300.440, unless cleaned in accordance with 40 C.F.R. § 761.79(b)(4) or § 761.30(p).
9. Backfill with clean soil and restore all areas of the Site where PCB-contaminated soils and other soils /materials are excavated and removed for off-Site disposal.

B. Contribution to Remedial Performance

The Site is not on the NPL. The actions proposed in this funding request will not interfere with any remedial actions that may occur in the future and any actions will be consistent with the requirements of Section 104(a)(2) of CERCLA, 42 U.S.C. § 104(a)(2), which states that a removal action should contribute to the efficient performance of any long-term remedial action with respect to the release or threatened release concerned. Post-removal site controls will not be needed at the Site, unless soils with PCB concentrations greater than 1 ppm and less than 10 ppm

are capped in accordance with 40 C.F.R. § 761.61(a)(4) and (a)(7).

C. Applicable or Relevant and Appropriate Requirements (ARARs)

The proposed Removal Action will comply with federal and state applicable or relevant and appropriate requirements (“ARARs”) to the extent practicable considering the exigencies of the situation. 40 C.F.R. § 300.415(j). All federal and state ARARs will be considered during this Removal Action.

Federal

TSCA PCB regulations have been identified as the Federal ARARs and will be followed, to the extent practicable considering the exigencies of the situation, for identification, storage, and disposal of PCBs.

State

State ARARs have been requested via letter and will be reviewed when received.

D. Project Schedule

It is estimated that this Removal Action will require up to five months to complete and could begin in Spring 2020.

E. Estimated Costs

Extramural Costs	
Regional Allowance Costs (This cost category includes estimates for ERRS contractors, subcontractors, letter contracts, orders for services, notices to proceed, alternative technology contracts, and inter-agency agreements with other Federal Agencies)	\$515,000
Other Extramural Costs Not Funded from the Regional Allowance START Contractor	\$100,000
Subtotal, Extramural Costs	\$615,000
Extramural Costs Contingency (15% of Subtotal, Extramural Costs)	\$ 92,250
TOTAL REMOVAL ACTION PROJECT CEILING	\$ 710,000 (rounded)

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

If the actions described in this Action Memorandum are not conducted, the release and/or threat of release of hazardous substances, specifically PCBs, or other pollutants or contaminants, will continue to exist at the Site. PCBs could migrate off-Site due to weather related events or may have migrated off-Site in the past during warehouse operations. Without time-critical actions to mitigate the actual or potential release of hazardous substances or pollutants or contaminants at the Site, potential threats posed to human and ecological receptors may increase.

The OSC has coordinated with PADEP and City officials regarding the actions anticipated at the Site. PADEP and the City agree with the response actions described in this Action Memorandum. A time-critical Removal Action conducted by EPA is vital to ensure that the threat posed by the Site is mitigated in a timely manner.

VII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues pertaining to the Site.

VIII. ENFORCEMENT

The OSC has provided the EPA Cost Recovery Section with information available to pursue any and all enforcement actions pertaining to the Site. See attached Confidential Enforcement Addendum.

The total cumulative EPA costs for this Removal Action, based on full cost accounting practices that will be eligible for cost recovery are estimated below as:

Direct Extramural Cost:	\$ 710,000
Direct Intramural Costs:	\$ 60,000
Subtotal	\$ 770,000
Indirect Costs (71.39% of above)	\$ 550,000 (rounded)
Estimated EPA Costs for the Removal Action:	\$ 1,320,000

The total EPA costs for this Removal Action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$1,320,000.¹

¹ Direct Costs include direct extramural 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 October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of 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 deviation of actual costs from this estimate will affect the United States' right to cost recovery.

IX. RECOMMENDATION

This Action Memorandum represents the selected Removal Action for the LeFevre Street Container Site located in Philadelphia, Pennsylvania, 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.

By signing this Action Memorandum, you are also hereby establishing the documents listed below as the Administrative Record supporting the issuance of this Action Memorandum, pursuant to Section 113(k) of CERCLA, 42 U.S.C. § 9613(k), and EPA Delegation No. 14-22.

1. Field Sampling and Analysis Plan, 11/18, Weston Solutions; Inc.
2. Figure 1- Surface Soil Sampling Results, Weston Solution Inc, 8/28/18.
3. Surface Soil Sample Photographic Documentation Log, Weston Solutions, Inc. 8/9/18.
4. Figure 1A - Sub Surface Sampling Results, Weston Solution, Inc, 11/2/18.
5. U.S. EPA Pollution Report # 1, LeFevre Street Container Site.
6. Email to Patrick O'Neil and Dennis Yuen, City of Philadelphia Law Department, and Philadelphia Office of Emergency Management (OEM) from Jack Kelly, EPA, identifying plan for removal action, 5/13/20.
7. Email from City of Philadelphia OEM to Jack Kelly, EPA, acknowledging receipt of 5/13/20 email, 5/15/20.
8. Email to Bonnie McClennen, PADEP Southeast Region from Jack Kelly, EPA, identifying plan for removal action, 5/12/2020.
9. Email from Bonnie McClennen, PADEP Southeast Region, to Jack Kelly, EPA, identifying PADEP's lack of TSCA authority to respond to PCBs and deference to EPA for the Lefevre Street Site, 5/14/20.
10. Email from Dennis Yuen, City of Philadelphia to Jack Kelly, OSC explaining how to search the *City of Philadelphia Atlas* (a website) for archived L&I inspection documents regarding properties in the city, including 2710 LeFevre Street.

Conditions at the LeFevre Street Container Site meet the criteria for determining the appropriateness of a removal action under Section 300.415(b) of the NCP, and I recommend your approval of the proposed Removal Action. The total Removal Action Project Ceiling, if approved, will be \$1,320,000. Of this, an estimated \$770,000 comes from the Regional Removal Allowance. Please indicate your approval or disapproval below.

Action by the Approving Official:

I have reviewed the above-stated facts and based upon those facts and the information compiled in the documents described above, I hereby determine that the release or threatened

release of hazardous substances at and/or from the Site presents or may present an imminent and substantial endangerment to the public health or welfare or to the environment. I concur with the recommended Removal Action as outlined.

APPROVE: _____ **Date:** _____
Paul Leonard, Director
Superfund & Emergency Management Division
EPA Region III

ATTACHMENTS: Enforcement Confidential Memo
Figures 1-3