

In my review of that index, I have noted a discrepancy between the page count listed for the document described in the index as “Ohio EPA Time-Critical Removal Action Referral Package w/Attachments for the Cleveland Trencher Site (SDMS ID: 363355)” (“Ohio EPA Referral”), and the page count for the actual document maintained by the Superfund Division Records Center (“Records Center”). The index lists the Ohio EPA Referral as having 343 pages, whereas the document contained in the Records Center’s electronic database, known as the Superfund Enterprise Management System/Document Management System (“SDMS”), has 935 pages. This is a difference of 592 pages.

Only an electronic version of the Ohio EPA Referral is being maintained by the Records Center for administrative record purposes. The document is maintained in electronic form as a Portable Document Format (“pdf”) document in the SDMS database, and has SDMS identification number 363355 in the database. The 935-page pdf of the Ohio EPA Referral was created on May 24, 2010, and was uploaded to SDMS on the same day.

I have reviewed the Ohio EPA Referral. It references on page 7 of the introductory summary (a copy of which is attached as Certified AR Index Exhibit 1) an accompanying compact disc (“CD”) containing Site photographs and a “full analytical package” for Site sampling results. I have reviewed the original CD. It is titled “Photo and Data Disk”. I confirm that the CD contains photographs and analytical data for the Site. I further confirm that the photographs and analytical data on the CD together amount to 592 pages.

On the basis of the foregoing, I conclude that the 592-page discrepancy between the page count identified in the index and the actual number of pages for the document in SDMS is attributable to inadvertent omission of the materials on the CD when the number of pages for the document was counted for the Administrative Record Index, dated May 19, 2010. The number

of pages that are not on the CD amounts to 343 pages, which is the number used in the index. When converting the Ohio EPA Referral into a single pdf document for uploading into SDMS on May 24, 2010, the 592 pages of CD materials were incorporated with the 343 pages of non-CD material, creating the 935-page pdf.

An update to the Administrative Record Index has been made solely to reflect the page count of 935 pages for the Ohio EPA Referral in the Administrative Record.

I certify that the attached Administrative Record Index together with the attached Administrative Record Index Update # 1, dated March 12, 2012, are true and accurate lists of the contents of the administrative record that was compiled in connection with the issuance of the UAO.

I swear under penalty of perjury that the foregoing is true and correct.

Dated: 3/13/2012



Todd Quesada
Librarian/Superfund Division Records Manager

ATTACHMENT A



U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
CLEVELAND TRENCHER SITE
EUGLID, CUYAHOGA COUNTY, OHIO

ORIGINAL
(SDMS ID: 363350)
MAY 19, 2010

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	00/00/00	Ohio EPA	U.S. EPA	Ohio EPA Time-Critical Removal Action Referral Package w/Attachments for the Cleveland Trencher Site (SDMS ID: 363355)	343
2	09/00/95	ATSDR	File	ToxFAQs Sheet: 2-Butanone CAS #78-93-3 (SDMS ID: 363351)	2
3	09/00/01	ATSDR	File	ToxFAQs Sheet: Asbestos CAS #1332-21-4 (SDMS ID: 363332)	2
4	08/00/07	ATSDR	File	ToxFAQs Sheet: Lead CAS #7439-92-1 (SDMS ID: 363334)	2
5	05/20/09	Savis, H., Ohio EPA	Durno, M., U.S. EPA	Letter re: Ohio EPA Request for U.S. EPA Assistance in Conducting a Removal Action at the Cleveland Trencher Site (SDMS ID: 363352)	4
6	04/06/10	Wolfe, S., U.S. EPA	File	Conversation Record: Call to F. Zingales re: Discussion of Access Issue and EPA's Plan to Move Forward with Removal Action at the Cleveland Trencher Site (SDMS ID: 363353)	1
7	04/07/10	Zingales, F., Ohio EPA	Wolfe, S., U.S. EPA	E-mail Message re: Ohio EPA Response to U.S. EPA Request for ARARS for the Cleveland Trencher Site (SDMS ID: 363354)	1
8	05/19/10	Wolfe, S., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request for a Time-Critical Removal Action at the Cleveland Trencher Site (PORTIONS OF THIS DOCUMENT HAVE BEEN REDACTED/SDMS ID: 363346)	18



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U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTIONADMINISTRATIVE RECORD
FOR
CLEVELAND TRENCHER SITE
EUCLID, CUYAHOGA COUNTY, OHIOUPDATE #1
MARCH 12, 2012

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	00/00/00	Ohio EPA	U.S. EPA	Ohio EPA Time-Critical Removal Action Referral Package w/Attachments for the Cleveland Trencher Site (SDMS ID: 363355)	935
2	05/19/10	U.S. EPA	Public	Administrative Record Documents - Original, for the Cleveland Trencher Site (DOCUMENTS ARE INCLUDED BY REFERENCE)	

CERTIFIED AR INDEX
EXHIBIT 1

**OHIO EPA
TIME-CRITICAL REMOVAL ACTION
REFERRAL PACKAGE**

1. Site Location and Responsible Party Information

A. Site Name: Former Cleveland Trencher Company

B. Location:
20100 St. Clair Ave.
Euclid, OH 44117
Cuyahoga County
Latitude/Longitude: N 41.57923° / W 081.53622°
Parcel ID numbers: 646-03-001, 646-04-001 and 646-04-002
EPA ID number: OHR000149021

C. Owner/Operator:

Gary Thomas, Trustee
P.O. Box 1052
Akron, OH 44309
Cell (330) 802-2620
Fax (330) 535-3760

Joseph J. Piscazzi
Joseph J. Piscazzi Revocable Trust
2860 Marcia Blvd.
Cuyahoga Falls, OH 44223
Cell (330) 958-2357
Home (330) 920-1109

See attachment 7 for property ownership information.

D. Brief description of steps taken to compel responsible parties to conduct site remediation:

Ohio EPA, Division of Hazardous Waste (DHWM) has issued three Notice of Violation (NOV) letters to the owner/operator for violations of Ohio's hazardous waste laws. No significant progress has been made to address these violations.

Cleveland Division of Air Quality (CDAQ) has issued NOV letters to the owner/operators and contractors who had worked at the site for violations of the National Emission Standards for Hazardous Air Pollutants (NESHAP) related to improper asbestos abatement.

2. Site Description and Background Information

A. Description of past or present operations and how wastes were generated:

The former Cleveland Trencher Company facility is an abandoned manufacturing complex. The facility originally consisted of approximately 140,000 square feet of buildings located on a 14 acre parcel of property.

According to a Phase I site assessment completed by Flynn Environmental in October 2000, activities at the facility included fabrication, degreasing, painting and assembly of metal components for heavy excavating and trenching equipment. See Attachment 6 for a copy of the October 2000 Phase I site assessment which details facility operations and environmental conditions.

In August and September 2007, CDAQ conducted inspections at the facility which revealed the improper abatement of asbestos prior to demolition activities. See Attachment 6 for a copy of the August 2007 asbestos survey. In October 2007, CDAQ issued NOV letters to the owner/operators and contractors who had worked at the site for NESHAP violations related to asbestos. Subsequently, CDAQ notified the Ohio EPA of the presence of multiple drums containing unknown liquids.

On March 6, 2008, Ohio EPA inspected the facility and observed numerous drums with unknown contents. Ohio EPA was later informed that the drums were believed to contain paints, solvents and oils. On April 2 and August 6, 2008, Ohio EPA issued NOV letters to Gary Thomas requesting him to evaluate and dispose of the wastes. No response to Ohio EPA's letters was received.

On January 22, 2009, Ohio EPA, U.S. EPA and CDAQ met with Gary Thomas at the facility. During the inspection, Ohio EPA documented the presence of:

- Over 120 containers of unevaluated wastes. The majority of these containers consisted of 55-gallon drums which were in poor condition and releasing their contents.
- Three aboveground storage tanks (ASTs) which appeared to be fuel oil related.
- An underground storage tank (UST) which was mostly unearthed.
- Evidence of an additional UST due the presence of a standpipe and dispensing station.
- Four electrical transformers.
- Fluorescent lamps (intact and crushed) and ballasts present in lighting fixtures.
- Asbestos containing materials (ACM) and building debris piles.

Ohio EPA requested that Gary Thomas take immediate action to evaluate and dispose of the wastes. Additionally, during the January 22, 2009 inspection, Ohio EPA documented that the facility was not secure, as well as observed evidence of vandalism and trespassing.

Gary Thomas subsequently notified Ohio EPA that Joseph Piscazzi and himself were unwilling to evaluate and dispose of the wastes. On March 5, 2009, Ohio EPA and U.S. EPA returned to the facility to obtain samples. The results of the samples revealed the presence of ignitable (D001) and toxicity characteristic (D008 and D035) hazardous wastes at the facility.

On April 30, 2009, Ohio EPA issued NOV letters to Gary Thomas and Joseph Piscazzi, for violations of Ohio hazardous waste laws. No response to Ohio EPA's letter was received.

B. Site Characteristics:

The Cleveland Trencher site is approximately 14 acres in size. Prior to demolition activities, buildings at the site occupied approximately 140,000 square feet. It is estimated that 70,000 square feet were demolished.

C. Quantity and type of wastes and/or hazardous substances:

Ohio EPA identified the following wastes at the site (refer to Attachment 3 for a site map):

- Container Area 1: Approximately 109 containers, ranging in size from 5-gallon to 85-gallon overpack containers.
- Container Area 2: Approximately eight containers, ranging in size from 40-gallon to 55-gallon. In addition, numerous smaller containers (<5-gallon) were observed in this area.
- Paint Booth: Paint waste residue was observed on the floor and in a sump of the former paint booth. The booth was demolished in 2007.
- Transformers: Three pole mounted transformers and one pad mounted, 350-gallon transformer.
- Oil: Present in containers and in trench drains throughout the site.
- Lamps and Ballasts: Present in light fixtures throughout the site.
- USTs and ASTs.

According to information provided by CDAQ, ACM is present in the remaining buildings, as well as in debris piles at the site (refer to Attachment 6 for additional information).

D. Analytical data or other documentation on chemical characterization of wastes present:

- Container Area 1: Samples from 5, 55-gallon drums (EE, GG, SS, TT and QQQ) exhibited a flashpoint less than 140 degrees Fahrenheit thus classifying the waste as an ignitable hazardous waste (D001). In addition, containers SS and QQQ exceeded the characteristic hazardous waste regulatory level for methyl ethyl ketone (D035). Note, a complete characterization of all containers in this area was not completed by Ohio EPA.
- Container Area 2: Sample A, obtained from one, 55-gallon drum, exceeded the characteristic hazardous waste regulatory level for lead (D008). In addition, sample Can01/02, obtained from a miscellaneous one-gallon container, exhibited a flashpoint less than 140 degrees Fahrenheit thus classifying the waste as an ignitable hazardous waste (D001). Note, a complete characterization of all containers in this area was not completed by Ohio EPA.
- Paint Booth: Sample PC1, obtained from the paint waste from the floor of the former paint booth area, exceeded the characteristic hazardous waste regulatory level for lead (D008).
- Transformers: Aroclor 1260 was detected in three transformers ranging from 5.69 mg/kg to 6.01 mg/kg.

See Attachment 4 for a summary of Ohio EPA's analytical results from the March 5, 2009 sampling event.

Asbestos: Prior to demolition activities, an asbestos survey was conducted by a contractor to the site. Thirty-four of 59 suspect materials were found to contain asbestos at levels greater than one percent. In addition, pipe insulation and other materials were found to contain amosite and chrysolite asbestos ranging in values from three percent to 40%. A post demolition survey indicated the presence of amosite and chrysolite asbestos ranging in values from five percent to 25% in pipe insulation debris. Additionally, ACM was observed in debris piles at the site. See Attachment 6 for a copy of the August 2007 (pre-demolition) and November 2007 (post-demolition) asbestos surveys.

E. Storage / condition of containers and wastes:

Most containers are generally in poor condition as evidenced by their deteriorated state and releases of waste. All containers at Container Area 1 are located outdoors and exposed to weather conditions.

The former paint booth area was demolished thus exposing the paint residue to weather conditions.

Transformers and trench drains are located outdoors and exposed to weather conditions.

Debris piles containing ACM are located outdoors and exposed to weather conditions.

D. Proximity of population and population density:

The site is located in an industrial area of Euclid, Ohio and is bordered to the east, west and south by businesses. The site is bounded by Saint Clair Avenue to the north.

See Attachment 3 for maps delineating population density, drinking water supplies and sensitive environments.

3. Threats to Public Health and the Environment

A. Description of potential exposure to humans, animals or the food chain from hazardous substances or contaminants:

The site has unrestricted access along the southern boundary and is susceptible to vandalism which may lead to further releases of hazardous substances.

During the January 22, 2009, Ohio EPA observed:

- Evidence of trespassing, vandalism and individual(s) living inside one of the buildings;
- A children's toy; and
- Animal tracks were observed inside the buildings and around Container Area 1.

B. Actual or potential for releases:

Container Area 1: Ohio EPA documented containers GG, SS, TT and QQQ were leaking and releasing ignitable hazardous waste to the environment. These containers are in poor condition and located outdoors exposing them to weather conditions.

Paint Booth: Paint waste residue was observed on the floor and in a sump of the former paint booth. The paint booth area was demolished thus exposing the hazardous waste paint residue (D008) to weather conditions. It is unknown where the sump may lead.

Asbestos: Debris piles containing ACM are located outdoors thus exposing them to weather conditions.

Transformers: Oil staining was observed beneath the pole mounted transformers.

The potential exists for additional releases from containers, tanks and other wastes through:

- Most containers are in poor condition and are located outdoors exposing them to weather conditions.
- Unknown integrity and presence of wastes in trench drains , USTs and ASTs.
- Trespassers may be accessing the site to recover scrap metal.

C. Threat of fire or explosion:

There is a threat of fire or explosion from existing on-site sources. Specifically, ignitable hazardous wastes were documented at Container Area 1 and Container Area 2 with flashpoints ranging from 63 degrees to 104 degrees Fahrenheit.

4. Assessment of Environmental Hazards and Proposed Response Actions

Description of hazards (real or potential) posed by site and what actions should be undertaken to reduce or eliminate hazard:

- A. Uncontrolled releases of hazardous substances at the site may pose a threat to human health and the environment. A threat of fire or explosion from on-site sources exists due to the presence of ignitable hazardous wastes.

To prevent further release or exposure to hazardous substances and to eliminate the fire/explosion hazard, all containers should be adequately characterized, removed and disposed.

- B. To prevent further release or exposure to hazardous substances, the following items should be evaluated and mitigated:

- Characteristic (D008) hazardous waste at the paint booth area,
- ACM present in the remaining building materials and debris piles,
- USTs/ASTs,
- Transformers, and
- Trench drains.

5. Chronology of Events

8/30, 9/26&27/07: CDAQ inspections of facility.
10/22/07: CDAQ NOV letters.
3/6/08: Ohio EPA inspection of facility.
4/2 & 8/6/08: Ohio EPA NOV letters.
1/22 & 3/5/09: Ohio EPA inspections of facility.
4/30/09: Ohio EPA NOV letters.

6. Index of Documents

Attachment 1: Ohio EPA NOV letters and related correspondence.
Attachment 2: Ohio EPA January 22 and March 5, 2009 field notes. Facility photographs on enclosed CD.
Attachment 3: Maps and figures depicting site location, site features/sample locations, population density, drinking water supplies and sensitive environments.
Attachment 4: Summary of analytical results. Full analytical package on CD.
Attachment 5: CDAQ correspondence and related information.
Attachment 6: Phase I site assessment and asbestos surveys.
Attachment 7: Current property ownership information including Court documents describing transfer of property from previous owner/operator to current owner/operator.
Attachment 8: Litigation documents amongst owner/operator and contractors to the facility concerning improper asbestos abatement lawsuit.

7. Contacts

Frank Zingales, Ohio EPA, DHWM; (330) 963-1108
Mike Samec, CDAQ; (216) 420-7682