



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8SEM-EMR

ACTION MEMORANDUM

SUBJECT: Approval and Funding for a Removal Action at the Marty Asbestos Buildings and Abandoned Waste Dump Site, Marty, Charles Mix County, South Dakota

FROM: Martin McComb
Paul Peronard
Federal On-Scene Coordinators

THRU: Kerry Guy, Supervisor
Emergency Response Section

Deirdre Rothery, Manager
Emergency Management Branch

TO: Betsy Smidinger, Director
Superfund and Emergency Management Division

Site ID#: B899
B882

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the removal action described herein for the Marty Asbestos Buildings and Abandoned Waste Site (Site) located in the town of Marty, Charles Mix County, South Dakota. This time-critical removal action involves two partially collapsed buildings that are abandoned, damaged by vandalism and weathering, and known to contain friable asbestos and decaying lead-based paint as well as a nearby large waste dump involving discarded tires, household chemicals and other trash. These two locations were originally investigated as two separate Sites with two separate Site IDs in EPA's tracking system. However, EPA has determined that the two locations need to be addressed as a single Site as defined in this Action Memorandum.

The buildings in question are a former classroom facility, St. Katherine's, and a former dormitory, St. Joseph's, that were built in the early 1920s and owned by the Catholic Church. The ownership of the buildings was transferred to the Yankton Sioux Tribe (Tribe) in 1975. The buildings are also suspected of having sources of mercury (heating, ventilation and air conditioning system or HVAC System and light switches) and PCBs (ballast from lighting fixtures). The Tribe also owns the abandoned waste property which is being actively used as a dumping location by nearby communities.

This removal action concerns the removal and property disposal of the mercury containing components of the HVAC System and switches as well as the PCB-containing ballasts. It also concerns the demolition and proper disposal of the two deteriorating structures at an asbestos disposal cell to be constructed at the dump. The dump will be reconfigured and reused as a waste transfer station to be operated by the Tribe.

The former school facilities were identified by the Tribe as a safety concern, posing a potential asbestos exposure threat to nearby residents, children, students, and community members. The Tribe also requested EPA assistance in assessing and addressing the nearby waste dump. Conditions at the Site present a threat to public health and the environment and meet the criteria for initiating a removal action under 40 CFR § 300.415(b) of the National Contingency Plan (NCP).

This removal action will not establish any precedent for how future response actions will be taken and will not commit the U.S. Environmental Protection Agency (EPA) to a course of action that could have a significant impact on future responses or resources.

II. SITE CONDITIONS AND BACKGROUND

Site Name:	Marty Asbestos Buildings Marty Abandoned Waste
Superfund Site ID (SSID):	B899 B882
NRC Case Number:	N/A
SEMS Number:	SND00821093 SND00821073
Site Location:	Marty/Charles Mix County/SD
Lat/Long:	48.834560/-100.040089
Potentially Responsible Party:	None
National Priority List (NPL) Status:	Non NPL
Removal Start Date:	May 2022

A. Site Description

1. Removal Site Evaluation

The St. Katherine's and St. Joseph's Buildings are abandoned structures located on part of the Marty Indian School Complex operated by the Tribe. The St. Joseph's Building is a 3-story building constructed in 1923 with a footprint of approximately 3800 square feet. The St. Katherine's Building is a 2-story building constructed in 1926 with a footprint of approximately 3600 square feet. Both buildings are brick structures with basements. The St. Katherine's building shares a wall with a still operation facility (the Pacelli Building, which houses a steam boiler system). The Tribe acquired the property in 1975, with the two buildings going out of use shortly thereafter. The buildings are abandoned and in a state of severe disrepair due to

vandalism, scavengers who have removed building materials, and weathering. The two buildings are surrounded by operational school facilities. The Pacelli Building is to the immediate south of St. Katherine's. To the east of the two buildings is a school dormitory (within 150'); to the east is an employee housing and office structure (within 50') and to the north is St. Paul's Parish Church (within 200'). The buildings are within the town of Marty, which has a reported full-time population of 677 (US Census, 2020).

The EPA Region 8 Brownfields Program conducted a Phase I and II Environmental Site Assessment (ESA) of the two buildings in 2013 and determined that numerous friable asbestos-containing materials (ACM) and lead-based paint (LBP) were present (Weston 2013) in both structures. The ESA documents also indicate that various building components likely contained mercury and PCBs. A follow-up inspection by the Brownfields Program in 2016 documented the continued deterioration of the structures and found evidence of continued entry, even though the Tribe had taken steps to seal the buildings off and provided increased security for the area. The Phase II ESA identified ACM source materials that included asphalt roofing material and sealants, window glazing and exterior plaster, floor tiles and/or mastic throughout, and air cell pipe insulation debris. Samples of building materials showed concentrations of chrysotile asbestos ranging from 3 percent to 75 percent. The Phase I and II ESA reports are included in the administrative record for this Site. Photographs of both buildings and the surrounding area are provided in Attachment 2.

Trespassers regularly enter the buildings to explore or scavenge building materials. Structural beams in the building have been removed by scavengers, causing stairwells to partially collapse and affecting the structural integrity of the upper levels. The Tribe has attempted to block access, but these efforts have been largely ineffective due to the location of the property and its easy access from a highway and to the active part of the school.

The Site also includes a waste dump, which is an open parcel of land located off 390th Avenue, approximately 2.0 miles to the northeast of the Marty Indian School Complex. In June 2021 the Tribe requested EPA assistance in assessing and potentially cleaning up what they described as an uncontrolled waste dump on the east side of the town of Marty. In their description they indicated that the waste dump began a couple years ago but had grown considerably in the last year. The waste dump caught fire in 2021, and because of the presence of many discarded tires and household chemicals, the fire was difficult to extinguish. The State of South Dakota has also requested assistance with the situation at the dump site.

Removal Site Inspections were conducted by On-Scene Coordinator (OSC) McComb (August 2021) and OSC Peronard (March 2022). These inspections had no materially different findings than the earlier ESA work, but confirmed that conditions were continuing to deteriorate, and that despite vigorous efforts by the Tribe it appears that people (mostly students) are still accessing the building interiors and spreading material.

Both inspections confirmed the presence of several thousand cubic yards of solid waste (see photos, Attachment 2) at the waste dump, including both household chemical containers and a large quantity of discarded tires. Rats and other vermin were abundant in and amongst the debris, and the entire area is ensconced in a foul odor. Evidence of recent fires, such as ash and charred materials, was also apparent. It also appeared to the inspectors that the volume of solid waste dumped at the location had increased considerably between August 2021 and March 2022.

2. Physical Location

The deteriorating school buildings are located at 9000 388th Avenue, within the Marty Indian School Campus Complex, which lies within the town of Marty, Charles Mix County, South Dakota, 57361. The dump is located approximately 2.0 miles to the northeast of the school buildings in a rural area off 390th Avenue. The dump is bounded to the north, east, and south by farmland, and to the west by a single-family residence.

The town of Marty is in southeastern South Dakota, just north of the Nebraska border, and approximately 5 miles to the northeast of the Missouri River. According to the 2020 census, the population of Marty is 677. Approximately 255 students attend the Marty Indian School, with approximately 225 residing in the nearby dormitory. There are usually between 5-10 residents in the nearby employee housing building as well.

3. Site Characteristics

As described above, the Site includes two dilapidated buildings sitting within a school campus in a small farming community on the Yankton Sioux Reservation. Trespassers regularly enter the campus complex to scavenge building materials or explore the buildings. The two buildings have structural issues that exacerbate their deterioration and the release of hazardous substances (see below), which include, at a minimum, friable ACM, and LBP.

The Site also includes the nearby dump, a relatively open, approximately five-acre field on the eastern outskirts of Marty, South Dakota. Several makeshift roads leading from 390th Avenue back into the property are lined with piles of wastes.

Winters in the area are reported to be frigid and windy. According to the National Weather Service (NWS) website, the area has an annual average snowfall of over 40 inches. The NWS describes the summers as generally hot and humid, and reports there is an annual average of 40 days with 0.1 inch or more of precipitation.

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

The principal contaminant of concern at the Site is asbestos, which is a hazardous substance as defined by Section 101 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The buildings also contain

lead. Visible paint flakes (see photos) are present in and around the St. Katherine's and St. Joseph's Buildings. As the remains of the buildings continue to deteriorate from weather events, vandalism, and structural collapse, there is a threat of release of asbestos fibers to the environment from ACM, as well as a threat of release of lead to the environment from the LBP. Asbestos is a solid material with a variety of forms, including chrysotile, which was found at the Site in several building materials. Asbestos is highly resistant to heat and has exceptional tensile strength, both of which are characteristics that lend themselves to use in ordinary building materials. Asbestos tends to become brittle over time, shattering into fiber bundles due to age and weathering and is referred to as being friable. Subsequently, the friable fiber bundles can further degrade into microscopic fibers that can be distributed into the air.

An EPA OSC determined that the St. Katherine's and St. Joseph's Buildings pose a direct threat to public health and welfare because friable ACMs are present in the heavily vandalized, partially collapsed building. Further, the OSC determined that asbestos is being released into the environment due to missing walls and windows. Asbestos fibers pose an inhalation threat to persons accessing the Site. Weather events including wind, rain and snow will continue to degrade the structure. Asbestos fibers will continue to be released into the environment as the ACMs weather and become friable due to ongoing exposure to wind, rain, and snow as well as damage caused by scavengers or vandalism.

There is potential for human exposure to Site-related asbestos in the surrounding campus and to the residents of the town of Marty from releases of asbestos into the environment and to anyone who accesses the buildings. Human exposure to these airborne asbestos fibers via inhalation has been proven to cause asbestosis, cancer, mesothelioma, and other respiratory diseases.

Similarly, students and area residents are potentially exposed to lead at the Site from the deteriorating and spreading LBP. The Agency for Toxic Substances and Disease Registry indicates that lead is a naturally occurring element but is not considered an essential nutrient to humans or wildlife species. Once exposed, lead is widely distributed throughout the body, and toxic effects of lead have been observed in every organ system that has been studied. Health effects include neurological, renal, cardiovascular, hematological, immunological, reproductive, and developmental effects. Neurological effects of lead are of greatest concern because effects are observed in infants and children and may result in life-long decrements in neurological function. Neurological effects include decreased cognitive function; memory, altered mood and behaviors that may contribute to learning deficits; altered neuromotor and neurosensory function, peripheral neuropathy, and encephalopathy. Many other severe effects to animals are associated with lead poisoning including behavioral problems, heme-related issues, rapid and labored breathing, anorexia, weight loss, decreased milk production, dehydration, emaciation, fetal death, paraplegia, impaired postnatal growth, reduced pregnancy rate, and interference with resistance to infectious disease.

The dump is an open and uncontrolled disposal area containing a widespread

assortment of solid waste, household garbage (including chemicals), and discarded tires. It is a haven for a variety of vermin, and as such, a potential source for the spread of disease.

5. NPL Status

This Site is not on the NPL, nor is it currently proposed for inclusion on the NPL.

6. Maps, Pictures, and Other Graphic Representations

A Site map is provided in Attachment 1 and photos are provided in Attachment 2.

B. Other Actions to Date

1. Previous Actions

EPA has not conducted any previous Removal Actions at the Site.

2. Current Actions

The Phase I and II ESA documented the presence of ACM and LBP in the two buildings at the Marty Indian School Complex. The Tribe has taken continuing actions to better secure the property but has requested EPA assistance to affect a permanent solution since 2016 (see Attachment 4).

The Tribe has also taken steps to limit the use of the dump, including extra police patrols and fire control, but requested EPA assistance to affect a permanent solution in 2021 in a series of discussions with EPA Removal Staff.

C. State and Local Authorities' Roles

1. Tribal and Local Actions to Date

The Tribe requested assistance from EPA Region 8's Response Section. The Tribe originally wrote an e-mail to EPA Region 8 on November 22, 2016, requesting an EPA cleanup of the school buildings. The request stated that the Tribe's limited resources are not sufficient to address the environmental exposures posed by the two buildings. Due to budget constraints in 2017, EPA verbally requested that the Tribe continue to try to secure the buildings and seek funding elsewhere.

2. Potential for Continued Tribal/Local Response

Neither the Tribe nor the local authorities have the resources to conduct the proposed removal action at the Site. The Tribe has advised EPA that it will assume responsibility for the operation and maintenance of the transfer station, ensuring that buried waste will not be disturbed and that the cap does not get eroded.

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

Conditions at the Site present a threat to public health and the environment and meet the criteria for initiating a removal action under 40 CFR 300.415(b)(2) of the NCP.

EPA has considered all the factors described in 40 CFR 300.415(b)(2) of the NCP and determined that the following factors apply at the Site:

“(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, or pollutants or contaminants:”

The Site poses a direct threat to public health and welfare because friable ACM and LBP are present in the heavily vandalized, partially collapsed buildings and are being released into the environment due to missing walls and windows. The dump is still in use and contains enumerable sources of pollutants or contaminants. Due to the disposal of household chemicals, releases of hazardous substances are also likely to be present. This may result in exposure to visitors to the Site. There are no access restrictions to prevent persons from entering the Site.

“(v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released:”

The two buildings are heavily damaged, in poor condition, and are completely open to the environment. Weather events including wind, rain and snow will cause continued degradation of the remaining portions of the structures. Asbestos fibers and lead will be released from the ACM as the materials weather and continue to become more friable due to ongoing exposure to the elements. The dump is also subject to the same weather conditions that will tend to spread the contamination into the surrounding fields and potentially the groundwater.

“(vii) The availability of other appropriate federal or state mechanisms to respond to the release:”

No other local, tribal, state, or federal agency is in the position or has the resources to independently implement a timely, effective response action to address the ongoing threat presented by the Site.

IV. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

Due to the impacted structural integrity, EPA will demolish the buildings and dispose of all debris as ACM. All cleanup activities that will disturb ACM will be conducted using adequately wet methods to prevent the migration of asbestos fibers. Prior to the demolition of the buildings, EPA will remove and dispose of the mercury containing components of the HVAC System and switches as well as the

PCB-containing ballasts.

To facilitate this action, EPA will construct an appropriate disposal cell located at the dump. This will provide the additional benefit of cleaning up the dump while providing significant EPA cost savings in transportation and disposal operations. Prior to the construction of the disposal cell at the dump, EPA will segregate containers with free liquids, potentially hazardous materials, and tires from the bulk of the waste. These will be sent off-site for proper processing and disposal. Once the demolition and disposal are complete, EPA will configure the dump to be reused as a waste transfer station to be operated by the Tribe. This will allow the Tribe to provide for Post Removal Site Control for the long-term maintenance of the disposal cell.

2. Contribution to Remedial Performance

This effort will, to the extent practical, contribute to any future remedial effort at the Site. However, no further federal action is anticipated at this time.

3. Engineering Evaluation/Cost Analysis (EE/CA)

An EE/CA is not required for a time-critical removal action.

4. Applicable or Relevant and Appropriate Requirements (ARARs)

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable considering the exigencies of the situation. In determining whether compliance with ARARs is practicable, the lead agency may consider appropriate factors including the urgency of the situation and the scope of the removal action to be conducted. EPA contacted the Tribe and State of South Dakota regarding potential ARARs that EPA should consider. However, while both entities provided a letter of support for EPA's proposed actions (Attachment 5) no ARARs were identified by the State or Tribe. A discussion of federal ARARs is found in Attachment 3.

5. Project Schedule

The removal action is anticipated to begin in May 2022. All removal activities are expected to be completed within ten weeks of the beginning of onsite activities. The following is the anticipated sequence of operations:

- a. Mobilization
- b. Disposal Cell Preparation
 - Clearing and consolidation of existing waste
 - Segregation of containers with free liquids and hazardous materials
 - Off-site disposal of segregated materials
 - Construction of Disposal Cell (including access roads)
 - Stockpile Fill and cover material
- c. Demolition and Disposal

- Install access and laydown areas
- Remove mercury and PCB containing building components
- Demolish St. Katherine's (begin moving waste to cell)
- Demolish St Joseph's (continue moving waste to cell)
- d. Restore and Backfill Demolition Sites
- e. Complete Cap and Cover of Disposal Cell
- f. Configure Waste Transfer Station
- g. Demobilization

B. Estimated Costs*

Contractor Costs	Estimated Costs
ERRS contractor	\$1,559,000
START contractor	\$55,000
SUBTOTAL	\$1,614,000
Contingency Costs (20 % of subtotal)	\$322,800
Total Removal Project Ceiling	\$1,936,800

*EPA direct and indirect costs, although cost recoverable, do not count toward the removal ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by EPA as set forth in Section 107 of CERCLA.

Due to contracting and SEMS Site tracking constraints, funds will be appropriately distributed and charged to two separate Site tracking IDs.

V. 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 the environment.

VI. OUTSTANDING POLICY ISSUES

None.

VII. ENFORCEMENT

A separate Enforcement Addendum has been prepared providing a confidential summary of current and potential future enforcement activities.

VIII. RECOMMENDATIONS

This decision document represents the selected removal action for the Marty Asbestos and Dump Site in Marty, Charles Mix County, South Dakota, 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.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal action and I

recommend your approval of the proposed removal action. The total project ceiling, if approved, will be \$1,936,800; this amount will be funded from the Regional removal allowance.

APPROVE

Betsy Smidinger	Date
Director	
Superfund and Emergency Management Division	

DISAPPROVE

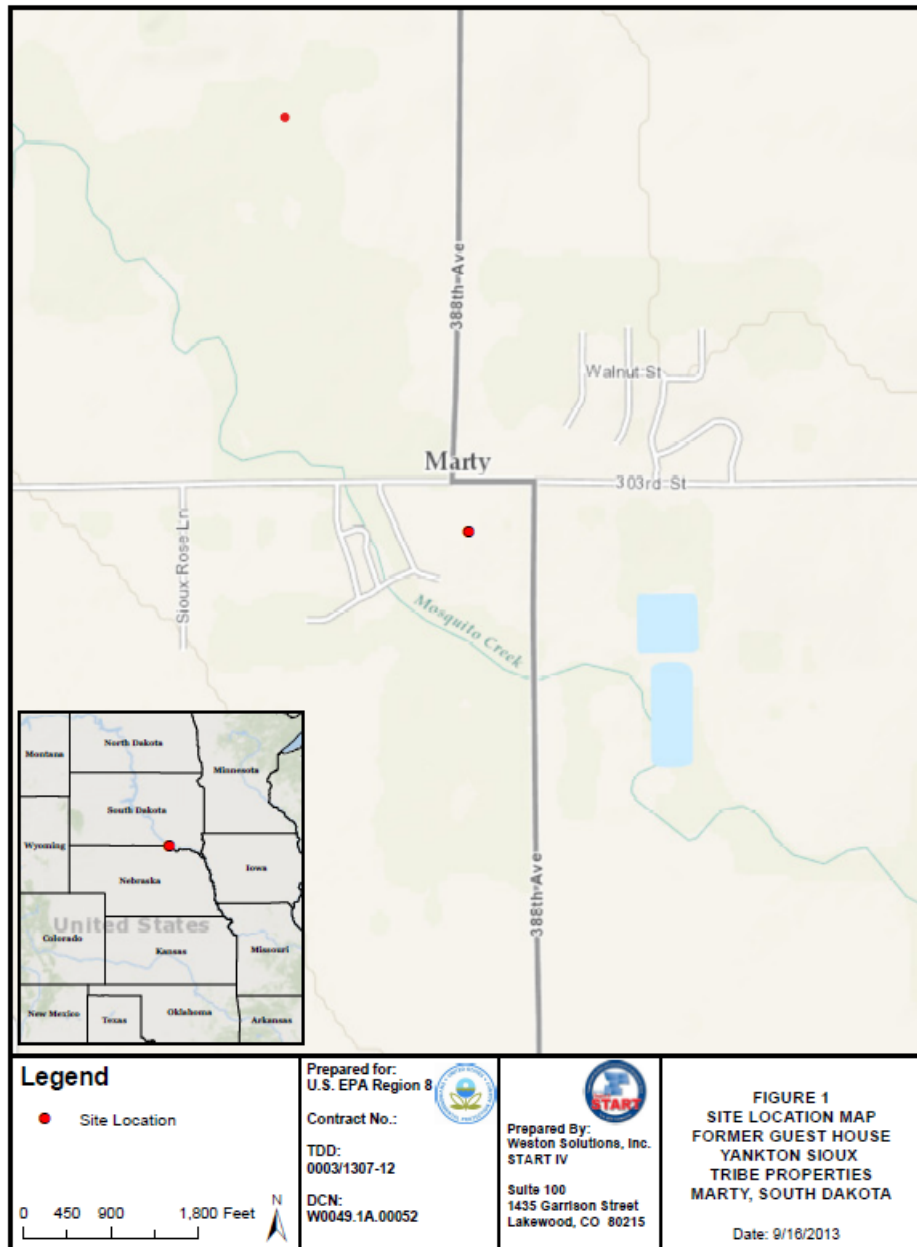
Betsy Smidinger	Date
Director	
Superfund and Emergency Management Division	

Attachments:

- Attachment 1: Site Map
- Attachment 2: Site Photos
- Attachment 3: ARARs Table
- Attachment 4: Tribal Request 2016
- Attachment 5: Letters of Support 2022

Attachment 1

Site Map





Attachment 2

Site Photos



Former St. Joseph school building. Facing southeast viewing the front and west side of building. Date: 08-10-2021



Former St. Joseph school building. Facing southeast viewing the front and west side of building. Date: 08-10-2021



Former St. Katherine school building. Facing south viewing the front side of building.
Date: 08-10-2021



Former St. Katherine school building. Facing northwest viewing the rear and east side of building. Date:
08-10-2021



Former St. Joseph school building. Facing southeast viewing the front and west side of building. Date: 03-09-2022



Former St. Joseph school building. Facing northwest viewing the rear and east side of building. Date: 03-09-2022



Former St. Katherine school building. Facing southwest viewing the front side of building. Date: 03-09-2022



Former St. Katherine school building. Facing west viewing the east side of building. Date: 03-09-2022



Interior of former St. Katherine school building. Deteriorating conditions exposing asbestos containing material and lead based paint. Date: 03-09-2022



Interior of former St. Katherine school building. Deteriorating conditions exposing asbestos containing material and lead based paint. Date: 03-09-2022



Interior of former St. Katherine school building. Deteriorating conditions exposing asbestos containing material and lead based paint. Date: 03-09-2022



Interior of former St. Katherine school building. Deteriorating conditions exposing asbestos containing material and lead based paint. Date: 03-09-2022



Interior of former St. Katherine school building. Showcasing deteriorating conditions and Graffiti. Date: 03-09-2022



Interior of former St. Katherine school building. Showcasing deteriorating conditions and Graffiti. Date: 03-09-2022



Interior of former St. Katherine school building. Showcasing deteriorating conditions and Graffiti. Date: 03-09-2022



Interior of former St. Katherine school building. Deteriorating conditions exposing asbestos containing material and lead based paint. Date: 03-09-2022



Interior of former St. Katherine school building. Deteriorating conditions exposing asbestos containing material and lead based paint. Date: 03-09-2022



Interior of former St. Katherine school building. Showcasing deteriorating conditions of shared wall with adjacent Pacelli Building. Date: 03-09-2022



Interior of former St. Katherine school building. Deteriorating conditions exposing asbestos containing material and lead based paint. Date: 03-09-2022



Interior of former St. Katherine school building. Deteriorating conditions exposing asbestos containing material and lead based paint. Date: 03-09-2022



Interior of former St. Katherine school building. Deteriorating conditions exposing asbestos containing material and lead based paint. Date: 03-09-2022



Unregulated dumping waste site located off 390th Street containing household waste and debris. Facing west to showcase extent of waste piles along the entrance to the site. Date: 08-10-2021



Household waste and debris piles. Facing southwest to showcase extent of waste piles along 390th Street. Date: 08-10-2021



Household waste and debris piles. Facing east to showcase extent of waste piles.
Date: 08-10-2021



Household waste and debris piles. Facing northwest to showcase extent of waste piles along 390th Street. Date: 08-10-2021



Household waste and debris piles. Facing southeast to showcase extent of waste piles.
Date: 08-10-2021



First burned pile of household waste and debris. Facing south to showcase extent of waste piles in the southeast portion of the site. Date: 08-10-22



Second burned pile of household waste and debris. Facing north to showcase extent of waste piles in the northeast portion of the site. Date: 08-10-2021



Household waste and debris piles. Facing southeast to showcase extent of waste piles. Date: 08-10-2021



Household waste and debris piles. Facing south to showcase extent of waste piles. Date: 08-10-2021



Household waste and debris piles. Facing south to showcase extent of waste piles. Date: 08-10-2021



Household waste and debris. Facing east to showcase extent of piles along the northern boundary line.
Date: 08-10-2021



Tire waste pile located on the southwest corner of the waste site. Date: 08-10-2021



Entrance to unregulated dumping waste site. Facing west to showcase recent consolidated efforts of piles. Date: 03-09-2022



Household waste and debris piles. Facing southwest to showcase recent consolidated efforts of piles off of 390th Street. Date: 03-09-2022



Household waste and debris piles. Facing north to showcase recent consolidated efforts of piles. Date: 03-09-2022



Tire waste pile located on the southwest corner of the site. Facing south to showcase the extent of pile. Date: 03-09-2022

Attachment 3

ARARs Table

	<i>Standard, Requirement or Criteria</i>	<i>Description</i>	<i>Applicable or Relevant and Appropriate or TBC</i>	<i>Comment</i>
FEDERAL				
AIR				
	National Emissions Standards for Hazardous Air Pollutants (NESHAP), National Emission Standards for Asbestos 40 CFR Part 61 Subpart M	Establishes regulations for abatement and/or demolition of asbestos-contaminated structures. This regulation also provides standards for proper management and disposal of ACM waste.	Applicable	Best Management Practices will be implemented to comply with the requirements of NESHAP and protect public health, including keeping asbestos-contaminated debris adequately wet until disposed of as ACM. The disposal cell will be built to meet the design requirements for ACM waste.

Solid Waste				
	Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA Subtitle D	Regulates the generation, storage, handling and disposal of solid waste	Relevant and Appropriate	Citing and layout of the disposal cell will follow the guidelines described to the extent practicable.

Attachment 4

Tribal Request

Box 1153
Wagner, SD 57380



(605) 384-3804/384-3641
Fax (605) 384-5687

OFFICERS:
ROBERT FLYING HAWK, CHAIRMAN
JODY ZEPHIER, VICE CHAIRMAN
GLENFORD "SAM" SULLY, SECRETARY
LEO O'CONNOR, TREASURER

COUNCIL:
JASON COOKE
GREGORY COURNOYER Jr.
DIANE MERRICK
ROSEANNE WADE
MONA WRIGHT

Date: November 22, 2106

To: Paul Peronard
USEPA, Emergency Removal Program

From: Robert Flying Hawk
Yankton Sioux Tribal Chairman

Danielle Zephier 
YST-EPP Brownfields Program

RE: St. Joseph's Building/Marty Indian School Campus
St. Katherine's Building/Marty Indian School Campus

Dear Mr. Peronard,

The YST-EPP Brownfields Program is contacting you to request the U.S. Environmental Protection Agencies assistance to cleanup hazardous substances and contaminates associated with properties owned by the Yankton Sioux Tribe.

The Yankton Sioux Tribe receives limited funding from EPA's Brownfields Program for the assessment of possible contaminated properties.

We are formally requesting USEPA's assistance to abate and demolish 2 structures located on the Marty Indian School campus. Both abandoned properties are being vandalized resulting in the release of hazardous substances and contaminates to the environment and potential impacts to human health.

The USEPA tasked the Weston Solutions, Inc. Superfund Technical Assessment and Response Team to assist the EPA in conducting a Phase I and Limited Phase II Environmental Site Assessment at the St. Katherine's building and the St. Joseph's building located on the Marty Indian School campus. The imminent threat to human health is a concern due to the 9 month residency of students attending school and living in the dormitories on campus.

The Phase I and Phase II ESA for **both buildings** confirms the evidence of Recognized Environmental Concern (REC's) in connection with the property:

- Two previous asbestos inspections at St. Katherine's and St. Joseph's have confirmed the presence of asbestos containing material (ACM).
- Based upon the age of the buildings, the potential for the presence of Lead-Based Paint (LBP) is high.

- Based upon the apparent age of light fixtures observed in the subject buildings, the potential for presence of PCB's is high.
- Based upon the extensive water damage observed throughout the building, the potential for the presence of mold in the building is high.
- Based on the age of the building, the potential for thermostats to contain mercury is of potential environmental concern.
- The potential for lithium batteries in emergency and exit lighting is of potential environmental concern.

St. Katherine's Building

- Based on the site visit, ash contained within a chimney chute located in the basement of potential for metal is high.

St. Joseph's Building

- Live pigeons are roosting within the building and dead pigeons and pigeon guano covers the floors, walls and building materials throughout the building. The guano (biological) is an environmental concern.
- Based on the structural integrity of the building and extensive contamination with mold and pigeon droppings, START personnel determined that the limited Phase II ESA sampling would be focused on external components and a walk-through of the building for photograph documentation.

This letter is intended to be a general description of the recognized environmental conditions (REC) identified as a result of the Phase I and Limited Phase II ESA sampling.

The YST-EPP Brownfields Program on behalf of the Yankton Sioux Tribe is requesting EPA assistance to abate and demolish these structures to protect human health and the environment from these hazardous contaminants.

We look forward to working with your agency on these issues. If you have any questions, please contact Danielle Zephier, YST-EPP Brownfields Coordinator at (605) 384-5012.

Respectfully



Mr. Robert Flying Hawk
Yankton Sioux Tribal Chairperson

Cc: Ms. Christina Wilson, USEPA Region 8 Brownfields Program
Mr. Greg Phillips, USEPA Region 8 Tribal Assistance Program

Attachment 5
Letters of Support

800 Main Ave SW
PO Box 1153
Wagner, SD 57380



(605)384-3641/384-5979
(605)384-5687 fax
www.yanktonsiouxtribe.net

Business & Claims Committee:

Robert Flying Hawk, **CHAIRMAN**
Jason Cooke, **VICE CHAIRMAN**
Kenneth Cook, **TREASURER**
Glenford "Sam" Sully, **SECRETARY**

B&CC Members:

Greg Cournoyer Jr.
Andrea Fischer
Derrick Marks
Kip Spotted Eagle
Jody Zephier

April 12th, 2022

Mr, Paul Peronard
Region 8 US EPA-Emergency Removal Program
1595 Wynkoop St.
Denver, CO 80202

RE: Marty Indian School Asbestos Site and the Marty Dump Site Letter of Support

Dear Mr. Peronard,

The Yankton Sioux Tribe is in full support of the Region 8 US EPA-Emergency Removal Program in the demolition and disposal of the Asbestos sites located on the Marty Indian School campus. We understand that the process will also include cleaning up and disposing of the construction debris at the Marty Rubble Site.

The Marty Rubble site has been in existence since the 1990's. We have tried many times over the course of these years to clean it up and close it. With the support and assistance of the US EPA Emergency Removal program, we can look forward to getting the site cleaned up and redeveloped into a transfer site. Once the site is cleaned up, we would like to cap the site with asphalt or gravel to make sure that the repository remains undisturbed and intact. We are in the process of purchasing roll-offs to sort any debris disposed of at the rubble site where we will be able to recycle the scrap metal and haul out any other hazardous debris to a landfill.

If you have any questions, you may contact Danielle Zephier, YST Environmental Director at (605) 384-5012 or email her at dzephier@yanktonsiouxtribe.net. Thank you for your time in this matter.

Sincerely,

Robert Flying Hawk
YST Chairman



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 21, 2022

Kerry Guy
Response Unit Chief
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129

Re: Potential CERCLA Removal Action at the Combined Marty Indian School Asbestos Site,
and the Marty Dump Site, Charles Mix County, South Dakota

Dear Mr. Guy,

The Department of Agriculture and Natural Resources (DANR) is sending this letter to express support for the proposed removal action at Marty, South Dakota.

As you know, the two abandoned buildings located on the former Marty School Campus have significantly deteriorated allowing the release of asbestos and lead paint, creating a risk to trespassers and citizens living in the area. Without EPA Removal assistance to demolish and dispose of these contaminated structures, further risk to human health and the environment will occur. The proposed disposal site for these contaminated buildings will be at an unregulated dump site. The dump site also poses a threat to human health and the environment that will be eliminated as part of the project. SD DANR supports any assistance US EPA can provide to address this problem and reduce further impacts to human health and the environment.

Please contact Jim Wendte or Trish Kindt of my staff at 605.773.3296 if you have any questions.

Sincerely,

Hunter Roberts
Cabinet Secretary

cc Danielle Zephier, Environmental Director, Yankton Sioux Tribe
Marty McComb, U.S. Environmental Protection Agency
Jim Wendte, DANR, Waste Management Program
Trish Kindt, DANR, Inspection, Compliance & Remediation Program