



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF ENVIRONMENTAL
CLEANUP

MEMORANDUM

DATE: November 3, 2011

SUBJECT: Third Amendment to the Action Memorandum to Request a Ceiling Increase for the Prosser Pomace Pits Site, Prosser, Benton County, Washington

FROM: Kathy Parker, On-Scene Coordinator *KMP*

THRU: Chris D. Field, Program Manager
Emergency Management Program *Ch D Field*

TO: Daniel D. Opalski
Director

SITE ID: 10KL

I. PURPOSE

The purpose of this Action Memorandum Amendment is to request a total project ceiling increase due to conditions discovered during the first week of the removal action described herein for the Prosser Pomace Pits Site located near Prosser, Benton County, Washington (Site). The original Action Memorandum was signed on May 2, 2011 by On-Scene Coordinator (OSC) Kathy Parker. The first Amendment was signed on September 22, 2011 by OSC Kathy Parker. The second Amendment was signed by acting Division Director Lori Cohen on October 13, 2011.

II. SITE CONDITIONS AND BACKGROUND

The CERCLIS ID No. is WAN001002932.

A. Site Description

1. Removal site evaluation

Refer to original Action Memorandum.

2. Physical Location

Refer to original Action Memorandum.

3. Site characteristics

Refer to original Action Memorandum.

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

Refer to original Action Memorandum.

5. NPL Status

Refer to original Action Memorandum.

6. Maps, pictures, and other graphic representations

Refer to original and the first amendment to the Action Memorandum.

B. Other Actions to Date

1. Previous Actions

Refer to original Action Memorandum.

2. Current actions

The EPA Region 10 Removal Program site work under the amended Action memo started on October 17, 2011. By October 23, Pit #1 had been partially excavated and Pit #2 partially excavated and the waste material land-applied on-Site to approximately 19 acres. Original estimates were that Pit #1 contained less than 3,000 cy. A total of 4,300 cy were removed from

October 20, 2011, and an estimated 2,000 cy remains to be removed. Excavation of Pit #2 was started on October 21, 2011. By mid morning on October 23, 2011, 2,700 cy were removed from Pit #2 and an estimated 1,000 cy remains to be moved. The waste material is composed of a much greater portion of diatomaceous earth than expected. Also unexpected is that, mixed in with the pomace waste in the pits, are large quantities of solid waste such as tires and furniture, requiring on-site separation of the larger pieces prior to tilling.

C. State and Local Authorities' Roles

1. State and local actions to date

Refer to original Action Memorandum.

2. Potential for continued State/local response

Refer to original Action Memorandum.

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

Refer to original Action Memorandum.

IV. ENDANGERMENT DETERMINATION

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

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Action

1. Proposed Action Description

As described in the first Amendment to the Action Memorandum, the remaining fruit pomace and diatomaceous earth in Pits #1 and #2 (approximately 10,000 cubic yards) will be excavated to native soil. During excavation, the material will be pulled out of the pit slowly and allowed to cool at the pit to less than 150 degrees F. The treated and cooled material will then be spread, ripped, disked, and tilled into the Volpe Vineyard land adjacent to the pits.

2. Best Management Practices and Post Removal Site Controls

Refer to original Action Memorandum.

3. Contribution to remedial performance

Refer to original and the first amendment to the Action Memorandum.

4. Description of alternative technologies

A cost analysis was performed to determine whether on-site disposal was cost effective. Off-site disposal of the 10,000 cy of excavated waste would cost \$390,000 for transportation and disposal and \$38,000 for an additional five days of ERRS labor and equipment for the slower disposal rate due to truck turn-around time. Total estimated cost for off-site disposal is \$428,000. The estimated cost for just the tasks required for on-site disposal is \$100,000 (placing waste material, ripping) and \$32,000 for the final soil disking, tilling, and organic amendment application for a total on-site disposal cost of \$132,000. Thus, on-site disposal is the less expensive alternative.

5. Applicable or relevant and appropriate requirements (ARARs)

Refer to the second amendment of the Action Memorandum.

6. Project Schedule

The removal action began on October 17, 2011, and the excavation and ripping phase is expected to be completed by October 28, 2011. The tilling phase is expected to take three to four days and is anticipated to begin in mid-November 2011.

B. Estimated Costs

This third amendment to the action memo requests an additional \$70,000 to complete the removal action. The cost estimate in the second Amendment to the Action Memorandum was underestimated in the following ways:

The total volume of material to be moved from Pit #1 was estimated to be 3,000 cubic yards (cy). The actual volume to be moved is anticipated to be 6,000 cy.

The makeup of the waste material was expected to be primarily fruit pomace with a nutrient content appropriate for agriculture. Instead, much of the material was diatomaceous earth which, when tilled into the area intended for a grape vineyard, makes it nutrient-poor. Compost will be purchased and tilled in at a rate appropriate to balance the loss due to incorporating diatomaceous earth. A nutrient analysis of the waste material is being performed to help calculate an accurate estimate of the amount and type of compost needed. This task is consistent with OSWER Dir. No. 9355.7-04 (May 1995) policy to support reasonably anticipated future land uses.

Due to the fact that the landowner agreed to allow Whitney Farms to have observers on-Site and the inability to fence off the large open excavations at night, the OSC requested that unarmed security be on-Site during the excavation phase, when Site workers are not present, to prevent any individual from entering the pits and potentially being harmed.

Large pieces of solid non-hazardous waste from the pits will be removed prior to tilling. Tires and other solid waste will be left on-site for proper disposal by the land owner. Due to the higher proportion of diatomaceous earth present, a nutrient analysis will be performed by the land owner after consultation with the Washington State University Extension office for advice on the appropriate sample collection, analyses and lab. The results will be used to determine the amount and type of compost amendment needed to return the soil to usability. The waste material will be ripped at a three foot-depth into the on-site acres on which it was spread. The ERRS crew and equipment will be demobilized after the pits are excavated and the waste material ripped. The OSC and ERRS Removal Manager will return within two months, depending on additional funding, with an agricultural subcontractor to apply the appropriate type and quantity of compost based on the nutrient analysis, and finish disking and tilling the waste material and compost into the soil.

The initial cost estimate called for equipment that was not appropriate for the rugged terrain. The dozer was upgraded to a D8. The water truck was upgraded from a 2,000 gallon to a 4,000 gallon capacity. The two haul trucks had to be upgraded after the first day of hauling from 10 cubic yard on-road dump trucks to 20 cubic yard off-road articulated trucks. In addition, the actual agricultural subcontract for disking and tilling is higher than the initial estimate.

The total increase in cost for the excavation phase of this removal action is estimated to be \$30,000. The cost to complete the tilling phase of the removal action (compost application, disking and tilling in the waste material) is estimated to be \$32,000. With an \$8,000 ERRS contingency, this third amendment to the action memo requests an additional \$70,000 to finish the removal action.

Extramural Costs	Original Action Memo Ceiling	Ceiling for First Amendment	Current Ceiling for Second Amendment	Proposed Ceiling Increase	Proposed Ceiling
<u>Regional Allowance:</u> ERRS (staff, travel, equipment)	\$6,000	\$38,000	\$138,000	\$70,000	\$208,000
<u>Other Extramural Not Funded from Regional Allowance:</u> START (staff, travel, equipment)		\$5,000	\$5,000		\$5,000
Contingency costs		\$6,000	\$6,000		\$6,000
Total Removal Project Ceiling	\$6,000	\$49,000	\$149,000		\$219,000

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 \$219,000.¹

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

Refer to original Action Memorandum.

VII. OUTSTANDING POLICY ISSUES

Refer to original Action Memorandum.

VIII. ENFORCEMENT

Refer to original Action Memorandum.

¹ Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective 2 October 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 illustration 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 total costs from this estimate will affect the United States' right to cost recovery.

IX. RECOMMENDATION

This decision document represents the selected removal action for this, developed in accordance with CERCLA as amended, and is consistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at Prosser Pomace Pits meet the NCP Section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed amendment to the removal action. The total project ceiling if approved will be \$219,000. Of this, as much as \$208,000 comes from the Regional Removal Allowance.

X. APPROVAL / DISAPPROVAL

APPROVAL:



Daniel D. Opalski, Director
Office of Environmental Cleanup



Date

DISAPPROVAL:

Daniel D. Opalski, Director
Office of Environmental Cleanup

Date