



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

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OFFICE OF  
ENVIRONMENTAL  
CLEANUP

April 3, 2012

**MEMORANDUM**

**SUBJECT:** 12-Month Exemption, Change in Scope, and Ceiling Increase Amendment to the Action Memorandum for Stubblefield Salvage Site, Walla Walla, Walla Walla County, Washington

**FROM:** Jeffrey Fowlow, Federal On-Scene Coordinator  
Emergency Preparedness and Prevention Unit

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

**TO:** Daniel D. Opalski, Director  
Office of Environmental Cleanup

**I. PURPOSE**

The purpose of this Action Memorandum is to request and document approval of a 12-Month Exemption, Ceiling Increase and Change in Scope Amendment to the Action Memorandum that selected a Time-Critical Removal Action for Stubblefield Salvage Site (Site) in Walla Walla, Washington. A copy of the original Action Memorandum dated September 4, 2009, is attached and referred to in this Amendment where relevant.

This Amendment will enable the U.S. Environmental Protection Agency to continue the Time-Critical Removal Action to properly characterize, package, transport and dispose of an estimated 50 55-gallon drums (and possibly other containers) abandoned at the Site that contain hazardous substances, oil and other constituents.

This Amendment does not address contaminated surface and subsurface soil found in the Source Decision Area, located northwest of the Shop Building and north of the baler and shredder, and other nearby non-contiguous areas of contamination. These areas will be addressed as part of a separate Non-Time-Critical Removal Action.

## **I. SITE CONDITIONS AND BACKGROUND**

Relevant site information is provided in the original Action Memorandum.

### **A. Site Description**

#### **1. Removal site evaluation**

The original Action Memorandum approved on September 4, 2009, contains a description of the removal site evaluation and relevant data supporting the removal decision. The cleanup actions initially approved in the September 2009 Action Memorandum were implemented in October 2009 and included the disposal of 21 55-gallon drums containing hazardous substances and/or oil, 40 cubic yards (yd<sup>3</sup>) of PCB-contaminated debris, 75 yd<sup>3</sup> of lead-contaminated soil and 150 yd<sup>3</sup> of asbestos-contaminated materials. All drums filled with hazardous substances and/or oil and ACM that were identified in the removal site evaluation and during the implementation of the 2009 removal work were removed from the Site and properly disposed.

Since the removal action was performed in October 2009, the operator of the Site, Stubblefield Salvage and Recycling, LLC (Stubblefield), dismantled and removed heavy hydraulic equipment (baler and shredder) and demolished and removed the former annex to the Shop Building that housed the baler controls and hydraulic reservoir tank. These actions generated hazardous substances, oil, and other constituents which were placed into the 55-gallon drums currently stored at the Site. In 2010, Stubblefield ceased operations at the Site and the company is no longer an active business and its managers and owners have left the state of Washington. The Site is currently owned by the estate of Emory N. Stubblefield which has limited assets and is tied up in litigation contesting the validity of a will and last testament. Accordingly, there are no viable current owners or operators of the Site that can address the abandoned drums.

#### **2. Physical location**

Refer to original Action Memorandum.

#### **3. Site characteristics**

The Site is unoccupied and abandoned. Though fenced and gated, the 3-strand T-post fence surrounding the Site offers minimal deterrence to nearby residents and/or trespassers desiring Site access. The Site is adjacent to a residential neighborhood.

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

The following activities have occurred since the original Action Memorandum:

U.S. Environmental Protection Agency

In October 2010, EPA mobilized to the Site to collect groundwater samples from the 4 on-Site monitoring wells. Polychlorinated biphenyls (Arochlor 1242) were detected in one monitoring well sample at a concentration greater than the Removal Screening Level.

During that Site visit, an estimated 50 55-gallon drums (and possibly other containers) of unknown contents were observed on-Site. The EPA learned through conversations with Washington State Department of Ecology personnel (no report from Ecology generated) that the drums were generated by Stubblefield due to dismantling and demolition activities. The drums of waste contained fluids and sludge from on-Site storage tanks, the decommissioning of the bailing and shredding machines, and likely from miscellaneous chemicals used and stored throughout the Site. According to Ecology, Stubblefield Salvage contracted with an environmental services contractor to bulk, characterize, and dispose of the wastes. After bulking the wastes, composite samples were collected by the contractor and submitted for laboratory analysis. Reportedly, the contractor was never paid for its services and the wastes were abandoned on the property when Stubblefield ceased operations. The contractor collected a total of eleven composite samples from the 55-gallon drums. Based on the analytical results of the composite samples, the contents of 35 drums qualify as Resource Conservation and Recovery Act Hazardous Waste and/or Washington State Dangerous Waste, diesel, and unregulated substances. Ecology was able to obtain copies of the analytical results and supplied that data to the EPA. See attached Drum Analysis Results.

**5. NPL status**

Refer to original Action Memorandum.

**6. Maps, pictures, and other graphic representations**

Refer to original Action Memorandum.

**B. Other Actions to Date**

**1. Previous actions**

There are no government or private actions that have been undertaken in the past other than the previously discussed EPA removal action conducted in October 2009.

**2. Current actions**

There are currently no state, municipal, or private actions being conducted at the Site. Ecology initially referred the site to the EPA for assessment and cleanup in 2009, and currently does not intend to conduct any actions at the Site. The EPA is now conducting a pre-remedial site assessment to determine if the Site qualifies for the National Priorities List.

**C. State and Local Authorities Roles**

**1. State and local actions to date**

Ecology has been and will continue reviewing certain Site-related documents.

**2. Potential for continued state and local response**

Although the Site was formally referred to the EPA, Ecology is expected to remain involved in future Site cleanup activities in a consultation capacity.

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

Refer to original Action Memorandum for a discussion of the threats to public health or welfare as they relate to section 300.415(b)(2)(i) and (ii) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). Additionally, the following removal factor applies:

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

The 55-gallon drums generated by Stubblefield Salvage are abandoned with no viable owner, operator, and/or caretaker of the Site to assure proper storage and/or disposal of the drums. The abandoned drums are staged in an open field, exposed to weather, not properly sealed or closed, and are dented and rusting; thus, the drums are susceptible to further deterioration due to the adverse effects associated with exposure to the out-of-doors, as well as vandalism. There is evidence of ongoing releases from the drums based on staining on the exterior surface of the drums and adjacent soil. The current conditions and staining of the drums and soil, the outdoor storage and deteriorating conditions of the drums, and the lack of a viable owner/operate to provide proper storage and/or disposal of the drums present an ongoing threat of release of hazardous substances, pollutants, or contaminants.

### **IV. ENDANGERMENT DETERMINATION**

Refer to original Action Memorandum.

### **V. EXEMPTION FROM STATUTORY LIMITS**

An exemption from the statutory limit of 12-months is requested based on the following emergency exemption criteria and circumstances. In the original Removal Action, all drums and containers known then to contain wastes were characterized and properly disposed. This amendment addresses containers generated subsequent to the original Removal Action and abandoned at the Site. The generation of these new drums occurred in August 2010, after the original EPA Removal Action which concluded in October 2009.

#### **A. There is an immediate risk to public health or the welfare or the environment**

The wastes found on-Site present an immediate risk to public health or welfare or the environment. The nearest residence is located about 150 yards from the Site. The Site is not occupied, and although not open to the public, the 3-strand T-post fence surrounding the Site offers minimal deterrence to nearby residents and/or trespassers desiring Site access.

The drums are exposed, are not properly closed, and are dented and rusting; thus, the drums are susceptible to further deterioration due to the adverse effects associated with exposure to the out-of-doors, as well as vandalism. Additionally, there is evidence of ongoing releases based on staining on the exterior surface of the drums and adjacent soil.

**B. Continued response actions are immediately required to prevent, limit, or mitigate an emergency**

Immediate implementation of the removal action proposed in this Action Memorandum is required to prevent, mitigate, or minimize the actual or potential human health or ecological risks posed by the continued release of hazardous substances and oil to the environment. The releases continue unabated and threaten both soil and groundwater.

Seasonal weather conditions facilitate the migration and release of Site contaminants. Spring time snow melt, rainfall, or other forms of run-off inducing events will tend to spread the contaminated materials throughout the Site. In such instances, percolating water may come in contact with the contaminants and carry dissolved material to the groundwater.

**C. Assistance will not be provided on a timely basis**

There are no known other appropriate federal or state response mechanisms or potentially responsible parties capable of providing the appropriate resources in a prompt manner needed to address the actual or potential human health and ecological risks associated with the hazardous substances mixed with oil.

**VI. CHANGE IN SCOPE OF RESPONSE**

The original Action Memorandum addressed the likelihood that additional cleanup actions would be required to remove contaminated soil; however, the memorandum did not anticipate the generation of additional drums of waste due to the dismantling and demolition of the scrap metal business and abandonment and inability of the Site owners and operators to address the additional waste generation. The Potentially Responsible Parties are unwilling or unable to conduct needed actions to address the abandoned drums and, in some cases, are non-responsive. Thus, a change in the scope of response is required to respond to the immediate risk to public health or welfare or the environment described in Section V.

**VII. CEILING INCREASE**

Please see the Project Ceiling Cost Estimate in Section VIII.B. The removal action project ceiling for the ERRS contractor for the original Removal Action in 2009 was \$300,000, and of this amount, approximately \$150,000 remain on the ERRS task order from the 2009 removal action. The proposed actions to characterize, package, transport, and dispose of the newly discovered additional drums is estimated to cost \$100,000 (plus a 20% contingency equals \$120,000). Thus, the cost for the ERRS portion of the project remains within the budget of the original Task Order and no additional money for the ERRS contractor is required.

The removal action project ceiling for the START contractor for the original Removal Action in 2009 was \$60,000, later amended to \$90,000. The current cost for past START technical assistance now totals \$89,965. The estimated cost for the START contractors to provide technical assistance, hazard categorization, and documentation for this proposed drum removal is \$25,000 (plus a 20% contingency equals \$30,000).

Therefore, the total amount of ceiling increase necessary to complete this proposed drum removal is \$30,000, for a total project ceiling of \$419,965. If the ceiling increase is not granted, the drums, which

could contain as much as 2,750 gallons of waste materials, would continue to present an immediate risk to public health or welfare or the environment.

## **VIII. PROPOSED ACTIONS AND ESTIMATED COSTS**

### **A. Proposed Actions**

#### **1. Selected action description**

##### *Assessment and characterization of known and suspected hazardous wastes and potentially contaminated soils*

The analytical information, generated by Stubblefield's environmental contractor and provided to the EPA from Ecology, will be used by the EPA for disposal of the drums and contents. Hazard categorization kits will be available on-Site if additional containers are discovered or if the contents of the drums appear to be inconsistent with descriptions provided to the EPA. Visibly stained soil in the drum staging area will be excavated by hand-shoveling and placed into drums for disposal.

##### *Packaging, labeling, transportation, and disposal of hazardous and non-hazardous wastes*

All abandoned drums will be over-packed into DOT-approved containers for transportation and disposal. Hazardous waste and DOT labels will be placed on the drums prior to loading them onto a truck for transport to an EPA-approved disposal facility, operating in accordance with RCRA regulations and TSCA PCB Regulations, 40 C.F.R. Part 761.

##### *Best Management Practices*

Best Management Practices will be implemented during construction to protect workers, the community, and the environment from short-term construction impacts such as erosion, sedimentation, fugitive dust, and other similar potential impacts, along with BMPs for achieving EPA's Region 10 Clean and Green Policy.

##### *Post removal site controls*

The need for institutional controls such as land and resource use restrictions or well-drilling restrictions, or engineered barriers such as upgraded fencing will be addressed as part of the proposed Non-Time-Critical Removal Action. However, as part of this proposed action, the EPA will assess the condition of the Site fences and gates to determine its ability to provide warning to the public and sufficiently restrict access to the site. If needed, interim upgrades will be made.

#### **1. Contribution to remedial performance**

Refer to original Action Memorandum.

#### **2. Engineering Evaluation/Cost Analysis (EE/CA)**

Not applicable.

#### **4. Applicable or relevant and appropriate requirements**

Refer to original Action Memorandum.

#### **5. Project Schedule**

The proposed removal action would be implemented in mid- to late April 2012, and is expected to require 7 to 10 days to complete.

#### **B. Estimated Costs**

The total project ceiling was originally estimated to be \$432,000. The actual cost for the ERRS contractors was significantly less than estimated, leaving \$150,000 unspent on the original Task Order. The estimates shown below reflect a reallocation of the unspent \$150,000 remaining on the existing ERRS TO, which is sufficient to complete the ERRS component of the planned drum removal. The START actual costs were greater than originally estimated (\$60,000) and currently total \$89,965. START will require an additional \$25,000 (plus a 20% contingency of \$5,000) to complete the planned drum removal. Therefore, the currently budget increase request of \$30,000 is to cover the START costs only.

PROJECT CEILING COST ESTIMATE			
Extramural Costs	Current Ceiling	Proposed Increase	Proposed Ceiling
Extramural Costs Regional Removal Allowance Costs (ERRS)	\$300,000	No increase needed	\$300,000
Other Extramural Costs START	\$89,965 (past costs)	\$25,000	\$114,965
	\$389,965	\$25,000	\$414,965
Subtotal Extramural Costs	NA	\$5,000	\$5,000 (contingency necessary for START costs only)
Extramural Costs Contingency (20%)			
Total Removal Project Ceiling	\$389,965	\$30,000	\$419,965

#### **IX. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

Refer to original Action Memorandum.

#### **X. OUTSTANDING POLICY ISSUES**

None.

## **XI. ENFORCEMENT**

Refer to original Action Memorandum confidential enforcement addendum.

## **XII. DETERMINATION**

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal and the CERCLA section 104(c) emergency exemption from the 12-month limitation, and I recommend your approval of the proposed amended removal action, change in scope, and 12-month exemption. The total project ceiling, if approved, will be \$419,965. Of this, as much as \$30,000 will be funded from the FY 12 Regional Removal Allowance with the remaining carried over from the FY 09 Regional Removal Allowance.

## **XI. APPROVAL/DISAPPROVAL**

By the approval which appears below, the EPA selects the removal action for the Site as set forth in the recommendations contained in this Action Memorandum.

Approve:   X  



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Daniel D. Opalski, Director  
Office of Environmental Cleanup

Disapprove: \_\_\_\_\_

\_\_\_\_\_  
Daniel D. Opalski, Director  
Office of Environmental Cleanup

Effective date of this Decision: \_\_\_\_\_

## **XII. ATTACHMENTS**

- Analytical Data Supplied by the Washington State Department of Ecology (also available in an electronic spreadsheet format)