



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 2 2 2015

ACTION MEMORANDUM

SUBJECT: Request for Approval of a Removal Action at the Statesboro Highway Creosote Site
Sylvania, Screven County, Georgia

FROM: Karen B. Buerki, On-Scene Coordinator *KB*
Emergency Response, Removal and Prevention Branch

THRU: James W. Webster, Chief *M.T.*
Emergency Response, Removal and Prevention Branch

TO: Franklin E. Hill, Director
Superfund Division

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of a time-critical removal action described herein for the Statesboro Highway Creosote Site (the Site), located in Sylvania, Screven County, Georgia. The release or threat of release of hazardous substance at the Site poses a threat to public health and the environment pursuant to Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that meets the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) section 300.415(b) criteria for removal actions. The Site is a former wood preserving facility that is abandoned, and creosote waste material and contaminated soil remain at the Site. There are no nationally significant or precedent-setting issues associated with the response. The total project ceiling for this time-critical removal action, if approved, will be \$694,000, of which an estimated \$478,000 will be funded by the Regional Removal Allowance.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS Number: GAN000410813
Site ID: #B4P7
Category of Removal: Time-Critical, Non-NPL

A. Site Description

1. Removal Site Evaluation

A Removal Site Inspection was conducted on March 1 – 2, 2012. It focused on surface and subsurface soil and waste sampling around and within the abandoned vat of the former wood preserving facility. Superfund Technical Assessment and Response Team (START) contractor, Oneida Total Integrated Enterprises (OTIE), was tasked to provide written and photographic documentation of on-site conditions and to collect soil and waste samples for laboratory analysis including Resource Conservation and Recovery Act (RCRA) metals (arsenic, barium, cadmium,



chromium, lead, silver and selenium) and mercury; target compound list (TCL) volatile organic compounds (VOC); TCL semi-volatile organic compounds (SVOC) including polynuclear aromatic hydrocarbons (PAH); polychlorinated biphenyls (PCB); and chlorinated pesticides. Analytical results were compared to Removal Action Levels (RAL), which today are referred to as Removal Management Levels (RML). The results may be found in the August 9, 2012, letter report submitted to the U.S. Environmental Protection Agency.

Five surface soil samples (0-6 inches), three subsurface soil samples (6-48 inches), one duplicate sample, a background sample and two waste samples were collected from seven locations around the former wood preserving processing area. The background location was 300 feet east of the abandoned facility, and waste samples were collected at both ends of the vat (east and west end).

The carcinogenic Benzo(a)Pyrene toxicity equivalence (cBaP TEQ) was calculated from the six carcinogenic PAH results as follows:

$$\text{Total cBaP TEQ} = (\text{Benzo(a)pyrene} \times 1.0) + (\text{Benzo(a)anthracene} \times 0.1) + (\text{Benzo(b)fluoranthene} \times 0.1) + (\text{Benzo(k)fluoranthene} \times 0.1) + (\text{Chrysene} \times 0.01) + (\text{Indeno(1,2,3-cd)pyrene} \times 0.1).$$

- The residential soil RML for cBaP TEQ is 1.5 mg/kg. The sample results for cBaP TEQ ranged from 0.067733 mg/kg to 84.55 mg/kg. With the exception of the background location, all of the cBaP TEQ results for surface samples collected exceeded the RALs.
- The total PAH levels for the surface soils, not including the background sample, ranged from 389 mg/kg to 5,355 mg/kg.
- All surface samples, except the background, had benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and indeno[1,2,3-cd]pyrene in exceedance of their respective RML values.

2. Physical Location

The Site is located at 6476 Statesboro Highway, Sylvania, Screven County, Georgia 30467. The Site is an abandoned family-owned wood preserving facility. The property was purchased in September 1946. The treatment facility was built and began operation after its purchase in 1946 and continued into the early 1960s. The facility consisted of a weighing area, a vat with wood preserving chemicals that served as the processing area and the drying and staging area accessible to vehicles. The Site is situated in a rural area and it can be accessed either by Scarboro Highway (south) or Statesboro Highway (east). The closest water body is Simmons Branch a half-mile to the east, which leads to the Ogeechee River and is located two miles south of the Site. The distance to the nearest residence, other than the current owner, is less than 300 feet at 152 Statesboro Highway.

Based on the March 19, 2015, EJSCREEN analysis, there are no environmental factors that exceed the 80th percentile nationally within a one-mile radius. Within the one-mile radius, the minority population is 25% versus the state 44% and has 45% low income households versus the state 38%. The surrounding area is not considered a potential Environmental Justice (EJ) area (Attachment A).

3. Site Characteristics

On August 18, 2005, a representative from the Georgia Environmental Protection Division (EPD) visited the former wood preserving facility in response to a complaint about an abandoned creosote vat. The creosote vat was observed behind the current owner's house. The creosote vat is a below grade open vat approximately 30 feet by 5 feet by 4 feet constructed out of quarter-inch sheet metal. It was observed to contain a dark liquid waste with a naphthalene odor. The current owner explained to the EPD that her father, who passed away in April 1994, used creosote to treat wood posts in the vat during the early 1960s and that the posts were used for fences on the property. The liquid waste remaining in the vat was approximately one foot deep.

In September 2005, the EPD decided to conduct a Site assessment in which waste samples were collected from the vat and surface soil samples were collected from around the vat. Samples were submitted for VOCs, SVOCs, PAHs and Target Analyte List (TAL) metals analyses. The EPD laboratory could not perform the analyses for the waste samples; however, surface soil sample analysis detected the presence of fluoranthene and pyrene, both PAHs which are present in creosote. The data and Trip Reports may be found in the EPD's September 1, 2011, correspondence to the EPA.

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

Creosote is a hazardous substance as defined by section 101(14) of the CERCLA and contains carcinogenic PAHs, specifically, benzo(a)anthracene, chrysene, dibenzo(a,h)anthracene, and ideno(1,2,3-cd)pyrene, as identified in the September 2002 ATSDR Toxicological Profile for Coal Tar Creosote. Stained soil is visible throughout the process area. The waste creosote remaining in the vat is a RCRA F034 listed waste and hazardous substance as defined by section 101(14) of CERCLA. The waste is contained in an unsecured open vat. There is no secondary containment. Soil contaminated with the creosote (U051 and F034) are considered to contain these RCRA Listed wastes and must be managed as RCRA hazardous waste once generated (i.e., excavated from the ground) according to EPA's contained-in policy. Creosote waste removed from the vat is considered F034 and must be managed in accordance with ARARs per the NCP at 40 CFR 300.415(j).

5. National Priority List (NPL) Status

The Statesboro Highway Creosote Site is not listed on the NPL or evaluated under the Hazard Ranking System. The Site is not likely to become listed on the NPL.

6. Maps, Pictures and Other Graphic Representations

Photographs are available at www.epaosc.org/StatesboroHighwayCreosote.

B. Other Actions to Date

1. Previous Actions

Georgia EPD conducted a Site investigation at the Site in 2005 and referred the Site to the EPA in September 2011.

2. Current Actions

There are no current actions being taken by any party to address the threats posed by the Site.

C. State and Local Authorities' Roles

1. State and Local Actions to Date

On August 18, 2005, a representative from Georgia EPD visited the former wood preserving facility in response to a complaint about an old abandoned creosote vat. In September 2005, the EPD conducted a Site assessment. Surface soil sample analysis detected the presence of fluoranthene and pyrene, both PAHs which are present in creosote.

On July 21, 2011, the EPD returned to the Site and confirmed that the vat was still present. The EPD planned to allocate funds from the Hazardous Waste Trust Fund for removal and disposal of the vat and contents; however, these funds have since been exhausted. Therefore, on September 1, 2011, the EPD requested that the EPA conduct a Removal Action and dispose of the creosote vat and contaminated soil.

2. Potential for Continued State/Local Response

The EPD is unable to fund time-critical removal activities at the Site.

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

Benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and indeno[1,2,3-cd]pyrene are hazardous substances as defined by CERCLA 101 (14) are present on-site. Waste creosote remaining in the treatment vessel is an F034 RCRA Hazardous Waste. These hazardous substances pose the following threats to public health or welfare and the environment as listed in 40 CFR §300.415 (b)(2):

Section 300.415(b)(2)(i) Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants;

Soil saturated with creosote is visible throughout the process area which could pose a direct contact threat to nearby residents that enter the property. The unsecure vat of creosote also poses a direct contact threat and inhalation hazard for anyone that goes near the vat. Analytical results from the March 2012 Removal Site Evaluation show RMLs are exceeded for benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene and indeno[1,2,3-cd]pyrene.

Section 300.415(b)(2)(ii) Actual or potential contamination of drinking water supplies or sensitive ecosystems;

There is a private well located within 50 feet of the treatment vat. The soil in this part of Georgia is a silty sand which the creosote could easily migrate through the soil and potentially contaminate the groundwater.

Section 300.415(b)(2)(iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks or other bulk storage containers, that pose a threat of release;

Approximately 1,100 gallons of waste creosote remain in the treatment vat. There is no secondary containment. The vat is exposed to the elements and will eventually develop a leak, releasing its contents to the soil and then migrate into the groundwater.

Section 300.415(b)(2)(iv) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate;

Soil saturated with creosote is visible throughout the process area. The creosote may migrate down to groundwater.

Section 300.415(b)(2)(v) Weather conditions that may cause hazardous substances or pollutants to migrate or to be released;

Precipitation may wash contaminants across the Site and impact off-site areas. Rain may also percolate the soil contamination into the groundwater.

Section 300.415(b)(2)(vii) The availability of other appropriate federal or state response mechanisms to respond to the release;

There are no other federal or state mechanisms available to respond to the release.

IV. ENDANGERMENT DETERMINATION

Creosote is regulated under many statutes. It is a restricted use pesticide under the Federal Insecticide, Fungicide and Rodenticide Act. It is a hazardous substance under CERCLA with a reportable quantity of one pound. It is a RCRA listed hazardous waste as creosote U051 and as process residuals, preservative drippage and spent formulations F034. Creosote contains carcinogenic PAHs, as identified in the September 2002 ATSDR Toxicological Profile for Coal Tar Creosote. The EPA has determined that coal tar creosote is a probable human carcinogen. The September 2002 ATSDR ToxFAQ for creosote shows long term low level exposure results in skin cancer and scrotum cancer. Short term high level exposure effects are severe irritation of the skin, chemical burns of the surfaces of the eyes, convulsions and mental confusion, liver or kidney problems, unconsciousness and even death.

Actual or threatened releases of hazardous substances from this Site may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The removal action will address the immediate threats through excavation and disposal of highly contaminated surface soils, disposal of creosote and process residuals, and disposal of debris contaminated with creosote.

A. Proposed Actions

1. Proposed Action Description

- (a) Excavation and disposal of highly contaminated surface soils;

The footprint of the process area is approximately 500 square feet. Excavation of up to four feet of contaminated soil from creosote drippage and off-site treatment and disposal will be performed. The excavation will not continue below the groundwater table.

- (b) Removal and disposal of creosote spent formulation and process residuals;

Approximately 1,100 gallons of creosote spent formulations and process residuals remain in the vat on-site. It will be stabilized with the contaminated soil surrounding the treatment vat and sent for incineration and disposal.

- (c) Removal and disposal of debris contaminated with creosote;

Debris generated from performance of the removal will be properly disposed of to prevent further contamination.

- (d) The Site will be restored to the extent practicable;

- (e) The Site will be referred to the EPD for further evaluation of possible groundwater contamination;

Treatment of possible groundwater contamination is outside the scope of this removal.

2. Contribution to Remedial Performance

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action with respect to the release or threatened release concerned. The removal action will address immediate threats from sources of hazardous substances located at or near the surface of the Site and will be consistent with any long term remedy that may be necessary at the Site.

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

This is a time-critical removal action; therefore, an EE/CA was not prepared.

4. Applicable or Relevant and Appropriate Requirements (ARAR)

In accordance with the NCP at 40 CFR §300.415(j), on-site removal actions conducted under the CERCLA are required to attain ARARs to the extent practicable considering the exigencies of the situation or provide grounds for invoking a CERCLA waiver under Section 121(d)(4). In determining whether compliance with ARARs is practicable; the lead agency may consider appropriate factors, including (1) the urgency of the situation; and (2) scope of the removal action to be conducted. Additionally, under 40 CFR §300.405(g)(3), other advisories, criteria, or guidance may also be considered (so-called To-Be-Considered or TBC) when conducting the removal action. ARARs include only federal and state environmental or facility siting laws/regulations and do not include occupational safety or worker protection requirements. Compliance with OSHA standards is required by 40 CFR §300.150. ARARs are typically divided into three categories: (1) chemical-specific; (2) location-specific; and (3) action-specific.

Pursuant to 40 CFR 300.415(j), this removal action will, to the extent practicable considering the exigencies of the situation, attain the identified ARARs and wastes will be shipped to treatment and/or disposal facilities that comply with the CERCLA Off-Site rule at 40 CFR 300.440. A request for the identification of State ARARs was made on April 28, 2015, and the EPD provided a list of proposed ARARs on May 22, 2015 (Attachment B). A list of ARARs (both federal and any more stringent State of Georgia requirements) for this time-critical removal action are provided in Attachment C.

5. Project Schedule

The response actions undertaken to mitigate the threats posed by the Site are expected to require four weeks to complete and will begin upon approval of this Action Memorandum. No Post-Removal Site Controls are anticipated at this time; however, if contamination extends to the groundwater table, the EPD may perform additional sampling to determine the nature of the threat.

B. Estimated Costs

PROJECT CEILING INCREASE ESTIMATE	
<u>Extramural Costs</u>	<u>Proposed Ceiling</u>
<u>Regional Allowance Costs:</u>	
Total ERRS Costs	\$478,000
<u>Other Extramural Costs Not Funded From the Regional Allowance:</u>	
Total START, including multiplier costs	\$100,000
Subtotal	<u>\$578,000</u>
Subtotal, Extramural Costs	\$578,000
Extramural Costs Contingency (20% of Subtotal, Extramural Costs; round to nearest thousand)	<u>\$116,000</u>
TOTAL, REMOVAL ACTION PROJECT CEILING	\$694,000

Note: CERCLA section 104(b) investigatory costs are not included in the estimate, because they do not count against the removal action project ceiling.

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

Creosote will continue to be released to the environment and may migrate through the soil to the groundwater table. The Site is not secured, therefore delayed action may increase the threat to public health through potential and prolonged exposure to the contaminants.

VII. OUTSTANDING POLICY ISSUES

None

VIII. ENFORCEMENT

The purpose of this Action Memorandum is to document the threats posed to public health, welfare and/or the environment and document the decision to fund and undertake the selected removal action. The enforcement strategy is included as an Enforcement Addendum.

Rita L. Wyant Dynasty Trust is the Potentially Responsible Party (PRP). A combined General Notice Letter/Information Request was mailed to the PRP on April 20, 2015 (Attachment D).

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 \$1,089,000.¹

Direct Costs	+	Indirect Costs	= Estimated EPA
(Direct extramural + Direct intramural)	+	[(Current Region-specific Indirect Cost Rate) x (Direct Costs)]	Costs for a Removal Action
\$694,000 + \$4800		0.5590 x \$698,800	= \$1,089,000

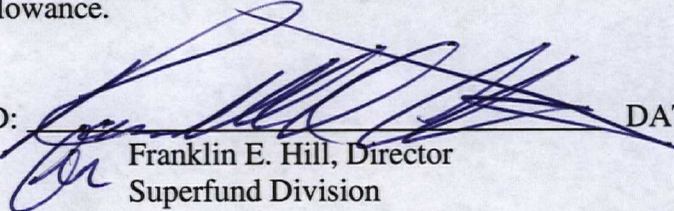
¹ Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do 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 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 the Statesboro Highway Creosote Site, in Sylvania, Georgia, 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 Statesboro Highway Creosote Site meet the NCP section 300.415(b) criteria for a removal, and I recommend your approval of the proposed removal action. The total project ceiling, if approved, will be \$694,000, of which an estimated \$478,000 will be funded from FY15 Regional Removal Allowance.

APPROVED: _____


Franklin E. Hill, Director
Superfund Division

DATE: _____

7/22/15

DISAPPROVED: _____

Franklin E. Hill, Director
Superfund Division

DATE: _____

Attachments

ENFORCEMENT ADDENDUM

ENFORCEMENT CONFIDENTIAL DO NOT RELEASE UNDER FOIA

Statesboro Highway Creosote Site
Sylvania, Screven County, Georgia
Site ID # B4P7
CERCLA ID # GAN000410813

Enforcement Team			
Attorney	Enforcement Project Manager	Civil Investigator	On-Scene Coordinator
Chris Cole	Ray Strickland		Karen Buerki

I. Background

The Statesboro Highway Creosote Site is located at 6476 Statesboro Highway, Sylvania, Screven County, Georgia 30467 (the Site). The Site is a former family-owned wood preserving facility that started operations after it was purchased in September 1946 and continued into the early 1960s. The facility consisted of a weighing area, a vat with wood preserving chemicals that served as the processing area, and the drying and staging area accessible to vehicles. The Site is situated in a rural area and it can be accessed either by Scarboro Highway (south) or by Statesboro Highway (east). The closest water body is Simmons Branch one-half mile to the east, which leads to the Ogeechee River, located two miles south of the Site. The distance to the nearest residence, other than the current owner, is less than 300 feet at 152 Statesboro Highway.

On August 18, 2005, a representative of the Georgia Environmental Protection Division (the EPD) visited the former wood preserving facility in response to a complaint about an abandoned creosote vat. The creosote vat was observed behind the current owner's house. The creosote vat is a below grade open vat approximately 30 feet by 5 feet by 4 feet constructed out of quarter inch sheet metal. It was observed to contain a dark liquid waste with a naphthalene odor. The current owner explained to the EPD that her father, who passed away in April 1994, used creosote to treat wood posts in the vat during the early 1960s and that the posts were used for fences on the property. The liquid waste remaining in the vat was approximately one foot deep.

In September 2005, the EPD decided to conduct a Site Assessment in which waste samples were collected from the vat. Surface soil samples were collected from around the vat. Samples were submitted for volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), polycyclic aromatic hydrocarbons (PAHs), and Target Analyte List (TAL) metals analyses.

On July 21, 2011, the EPD returned to the Site and confirmed that the vat was still present. The EPD planned to allocate funds from the Hazardous Waste Trust Fund for removal and disposal of the vat and contents; however, these funds have since been exhausted. Therefore, on September 1, 2011, the EPD requested that the EPA conduct a Removal Action and dispose of the creosote vat and contaminated soil.

A. Contamination

Surface soil sample analysis detected the presence of fluoranthene and pyrene, which are PAHs present in creosote. The data and Trip Reports may be found in the EPD's September 1, 2011, correspondence to the EPA.

B. Site Referral

The Site was referred by the EPD to Superfund on September 1, 2011.

II. Potentially Responsible Party Search

The Potential Responsible Party (PRP) Search revealed that Sandra Jeffers (Ms. Jeffers) is the current owner of the Site as trustee and beneficiary of the Rita L. Wyant Dynasty Trust (the Trust), which holds legal title to the property. According to Ms. Jeffers' response to the 104(e) letter, the past owners, Warren W. and Rita L. Wyant (Ms. Jeffers' parents) are deceased. In addition, Ms. Jeffers stated in her 104(e) response that her father operated the creosoting operations, which confirms previously known federal and state information concerning the operations at the Site. At present, there is nothing known of any operators at the Site before Warren W. Wyant's ownership.

A. Proposed Enforcement Strategy

Superfund Enforcement recommends that no additional enforcement activities take place. According to the evidence that the EPA now possesses, Ms. Jeffers was bequeathed the Site. There is no evidence that Ms. Jeffers ever participated in the wood treating activities at the Site. Ms. Jeffers may have an "innocent landowner" defense. The "innocent landowner" defense provides that if the landowner acquired property after all hazardous substances were disposed of at the facility, this defense may be available provided that a contractual relationship between the operator of the facility and the current owner does not exist.

B. Research Results To Date

Superfund Enforcement has received a response to its 104(e) letter. OSC Buerki has gathered state reports and pictures of the Site. The ERRPB START contractor has published a letter report, dated August 9, 2012, that includes background research of the Site and its operations. The EPA has also gathered online records from the Screven County Assessor's Office (the County) that confirms Ms. Jeffers is listed as owner of the Site as trustee. In summary, all sources utilized to date indicate that Warren W. Wyant was the former owner/operator of the Site, and that Ms. Jeffers is the current owner of the Site.

C. Liability

Owner Liability

Ms. Jeffers is potentially liable under Section 107(a) (1) of CERCLA as current owner of the facility. However, the EPA concludes that Ms. Jeffers should be treated as an “innocent landowner” under Sections 107(b)(3) and 101(35) of CERCLA.

Ms. Jeffers inherited the facility after her mother Rita Wyant’s death in 1995, and she currently holds ownership as trustee of the Trust. Although property received by bequest or inheritance is not automatically excluded from CERCLA liability, the EPA has reviewed information in Ms. Jeffers’s 104(e) response dated April 30, 2015, and information she provided to Georgia Department of Natural Resources in 2005.

Based on that information, the EPA concludes that Ms. Jeffers can very likely show by a preponderance of evidence that: she acquired the facility after the disposal or placement of hazardous substances occurred there in the 1960s; the release was caused solely by an act of a third party (the wood treating activities of her deceased father Warren Wyant); and the third party’s act did not arise through a contractual relationship with Ms. Jeffers. Contractual relationship, as defined by statute, categorically excludes acquisition of a facility by inheritance or bequest.

The EPA concludes that Ms. Jeffers can also likely show by a preponderance of evidence that she exercised due care regarding the release of hazardous substances, and took precautions against the foreseeable consequences of the third party’s act, which may include continuing passive migration of hazardous substances. This is a closer call, but Ms. Jeffers has cooperated with state and federal environmental response authorities and appears to have controlled access to the Site responsibly.

There is also no evidence that Ms. Jeffers had any participation in or control over her father’s wood treating activities or that she has done anything as owner to exacerbate contamination at the facility. Federal courts strongly disfavor imposition of liability in similar circumstances. See, e.g., *Norfolk S. Ry. v. Shulimson Bros. Co.*, 1 F. Supp. 1285, 1292 (E.D. Va. 1993) (“[F]ully distributed and closed estates whose beneficiaries have not been involved in the activities which give rise to the CERCLA liability by any method other than inheritance are not subject to liability under the statute.”).

Accordingly, the EPA recommends that no further enforcement action should be taken against Ms. Jeffers at this time.

Former Owner/Operator Liability

While the estate of Rita Wyant would likely qualify as an “innocent landowner” based on similar facts and reasoning that apply to Ms. Jeffers, the estate of Warren Wyant is potentially liable under Section 107(a)(2) as a person who owned or operated the facility at the time of disposal.

According to Ms. Jeffers's 104(e) response, her mother Rita Wyant inherited the facility after husband Warren Wyant's death in 1994. Warren Wyant first acquired the property in 1946 and constructed and operated the wood treating facility in the 1960s. The EPA does not have complete information regarding the status of the estate of Warren Wyant. However, based on the long passage of time (21 years) since Warren Wyant's death and subsequent distribution of assets, there appears to be no possibility that the estate is a viable PRP.

Accordingly, the EPA recommends that no further enforcement action should be taken against the estates of Rita Wyant and Warren Wyant at this time.

D. Financial Status

The financial status of Ms. Jeffers and the Trust is unknown. Through the County, the EPA is aware that the Trust owns at least one parcel (parcel number 042 012), 28.78 acres in size and is valued at \$207,760.00. In addition, the County lists Ms. Jeffers and her husband owning the adjoining parcels 042 011 and 042 010 at 1.97 and 0.93 acres in size, respectively, with their assessed value at \$145,660.00 and \$8,400.00, respectively.

III. Notification of PRPS of Potential Liability and of the Required Removal Action

On April 20, 2015, the EPA sent a General Notice/Information Request Letter to Ms. Jeffers, the current owner of the Site. The purpose of the letter was to notify Ms. Jeffers that she was potentially liable as the current owner of the Site, that the EPA was seeking information from her regarding the history of the Site, and to offer Ms. Jeffers the opportunity to perform or finance the Removal Action.

In May 2015, Ms. Jeffers responded to the General Notice/Information Request Letter. She stated that her father, Warren W. Wyant purchased the Site in September 1946. Mr. Wyant died in April 1994 leaving the Site to his wife, Rita L. Wyant. Rita L. Wyant died in September 1995 bequeathing the Site to her daughter, Ms. Jeffers, through the legal instrument of the Trust. Ms. Jeffers stated in her 104(e) response that she had no information regarding the past creosoting practices at the Site, no documentation regarding business or financial transactions in regards to the creosoting operations, no information regarding past employees, no copies of any business records in regards to the creosoting operations, and no information regarding anyone who might be able to identify or provide information regarding the Site.

IV. Decision Not To Issue An Order

At present, there is no decision to issue an order.

V. Negotiation and Order Issuance Strategy

At present, there is no negotiation or order planned.

VI. Other Related Legal Issues

None

ATTACHMENTS

**Attachment A
EJSCREEN**

**Attachment B
ARARs Tables**

**Attachment C
State ARARs**

**Attachment E
General Notice Letter/Information Request**

ENVIRONMENTAL JUSTICE CHECKLIST

Facility Name: Statesboro Highway Creosote

Address: 6476 Statesboro Highway

Date EJ Analysis Completed: 3/19/2015

An EJ Analysis Can Be Exempted For These Types of Cases – and ONLY these types of cases:

If You Exempt The EJ Analysis, Please Check Which One Below Applies:

☐ A Superfund Cost Recovery Case (Where Cost Recovery is the ONLY Claim) (Administrative or Judicial)

☐ A Collection Action (Either Bankruptcy or Non-Bankruptcy)

☐ A Case Involving Violations of the Aircraft Drinking Water Rule

FIFRA Cases (If the case also has other violations NOT on this list, you MUST do an EJ Analysis)

☐ Registration Violations

☐ Mislabeling Violations

☐ Violations Concerning Advertising of Products

☐ Import Violations (Stopped at Customs Before Entering the U.S.)

☐ Stop Sale Order (With no Specific Location) (For Example, A SSURO Issued to a Corporate Office Ordering Stop Sale of a Product in All Stores)

Lead-Based Paint Cases (If the case also has other violations NOT on this list, you MUST do an EJ Analysis)

☐ Training Provider Violations

☐ Violations Regarding Laboratory Violations

☐ Violations Against Contractors In a wide geographic area (Note: this exemption does not apply where the violations are fairly localized.)

TSCA Cases (If the case also has other violations NOT on this list, you MUST do an EJ Analysis)

☐ Section 4, Testing of Chemicals

☐ Section 5, Manufacturing and Processing of Chemicals

☐ Section 8, Reporting and Retention

☐ Section 12, Export-Related Requirements Where No Material is Being Stored Or Held in the U.S.

RCRA Cases (If the case also has other violations NOT on this list, you MUST do an EJ Analysis)

☐ Export-Related Case Where No Material is Being Stored or Held in the U.S.

IF CASE IS EXEMPT, STOP HERE. IF NOT, CONTINUE ON TO NEXT PAGE.

ENVIRONMENTAL JUSTICE CHECKLIST

A standard EJ analysis is conducted using a 1-mile radius around the location of the violation. However, please consider whether the pollutants migrated offsite and include that information when conducting the analysis.

Section 1:

Using EJSCREEN 1-Mile Radius, Please Mark Any of the Environmental Indicators That Are Above 80%:

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> NATA Cancer Risk | <input type="checkbox"/> Diesel PM | <input type="checkbox"/> NATA Neuro HI | <input type="checkbox"/> Ozone |
| <input type="checkbox"/> PM 2.5 | <input type="checkbox"/> NPL Proximity | <input type="checkbox"/> Lead Paint Indicator | <input type="checkbox"/> RMP Proximity |
| <input type="checkbox"/> Traffic Proximity | <input type="checkbox"/> TSDF Proximity | <input type="checkbox"/> Water Discharger Proximity | |
| <input type="checkbox"/> NATA Respiratory HI | <input checked="" type="checkbox"/> None | | |

Is Low Income Percentage within 1 mile radius \geq State Percentage? ☒ Yes ☐ No

Is Minority Percentage within 1 mile radius \geq State Percentage? ☐ Yes ☒ No

Section 2:

Is the Facility Located in a Tribal Area? ☐ Yes ☒ No

Has the Community Self-Identified as a Potential EJ Area? ☐ Yes ☒ No

Do You Know Of Any Other Federal Government Knowledge That There May Be EJ Concerns In This Community/Location? ☐ Yes ☒ No

Do You Know Of Any Public Input Indicating that There May Be EJ Concerns? ☐ Yes ☒ No

Do You Know Of Any State/Local/Tribal Government Knowledge Indicating That There May Be EJ Concerns? ☐ Yes ☒ No

Did you visit this facility? ☒ Yes ☐ No

If Yes, did you observe any condition (i.e. Presence of dilapidated housing, solid waste dumps, abandoned houses and/or businesses, large rail yards that split communities, number of large facilities, etc.) around the community/location that would indicate that there may be EJ concerns: If Yes, Please Explain: **No**

Any Other Reason to Believe There May be EJ Concerns? ☐ Yes ☒ No
If Yes, Please Explain:

Section 3: Analysis Results

(Check One):

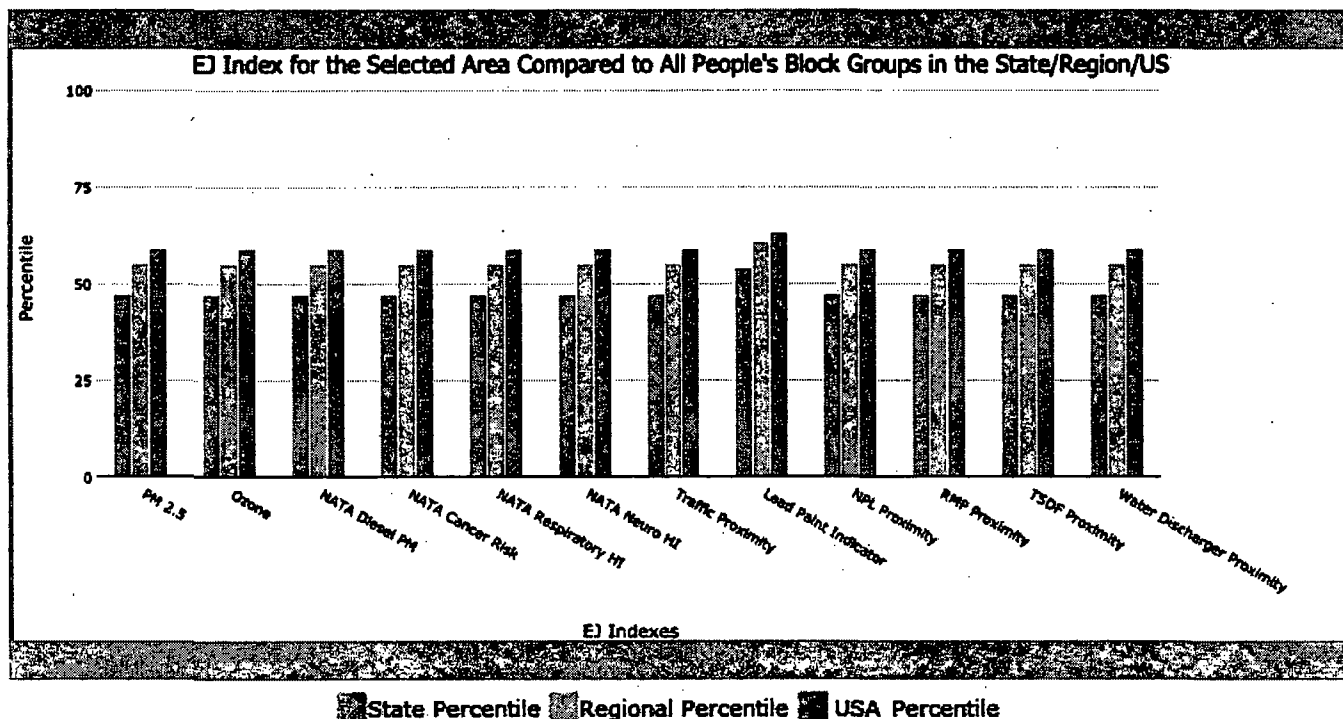
- ☐ There ARE potential EJ concerns regarding the area surrounding the location.
☒ There ARE NO potential EJ concerns regarding the area surrounding the location.

for 1 mile Ring Centered at 32.592309,-81.705421, GEORGIA, EPA Region 4

Approximate Population: 118

Statesboro Hwy Creosote

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	47	55	59
EJ Index for Ozone	47	55	59
EJ Index for NATA Diesel PM	47	55	59
EJ Index for NATA Air Toxics Cancer Risk	47	55	59
EJ Index for NATA Respiratory Hazard Index	47	55	59
EJ Index for NATA Neurological Hazard Index	47	55	59
EJ Index for Traffic Proximity and Volume	47	55	59
EJ Index for Lead Paint Indicator	54	61	63
EJ Index for Proximity to NPL sites	47	55	59
EJ Index for Proximity to RMP sites	47	55	59
EJ Index for Proximity to TSDFs	47	55	59
EJ Index for Proximity to Major Direct Dischargers	47	55	59



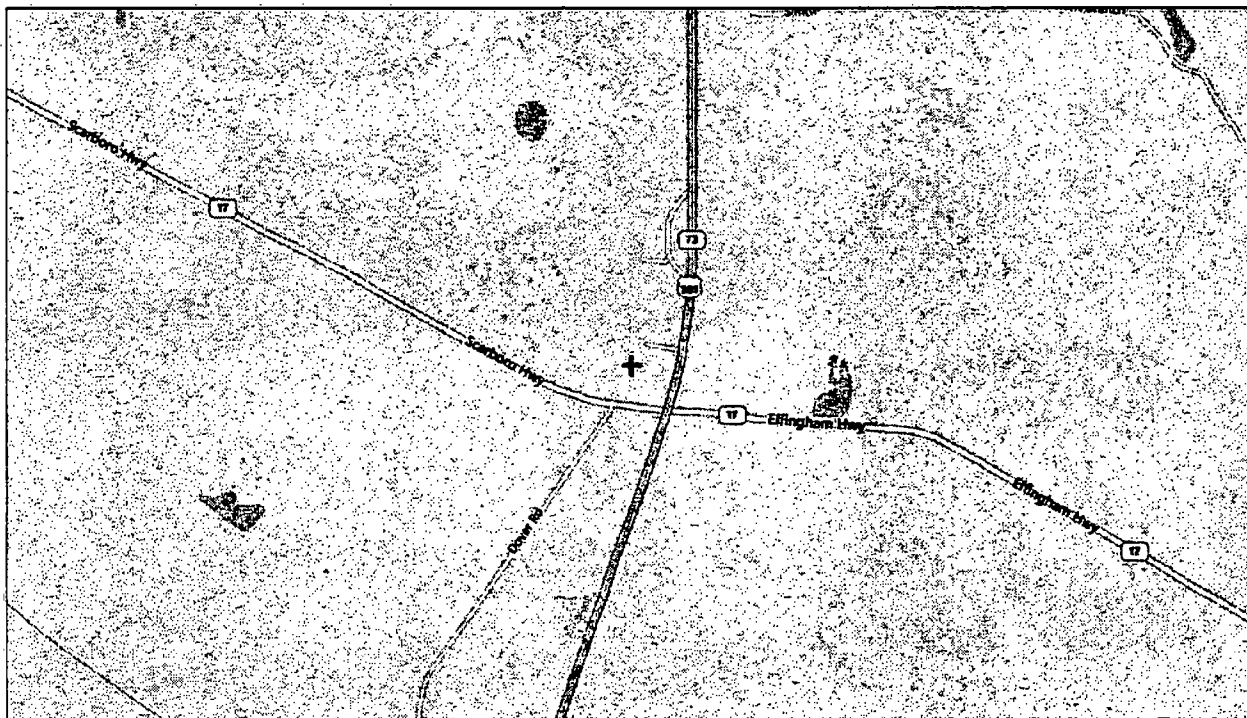
This report shows environmental, demographic, and EJ indicator values. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.



for 1 mile Ring Centered at 32.592309,-81.705421, GEORGIA, EPA Region 4

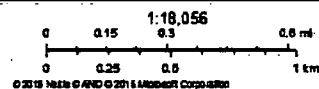
Approximate Population: 118

Statesboro Hwy Creosote



March 19, 2015

+ Digitized Point



EJSCREEN Report

for 1 mile Ring Centered at 32.592309, -81.705421, GEORGIA, EPA Region 4

Approximate Population: 118

Statesboro Hwy Crossroads



Selected Variables	Raw Data	State Avg.	%ile In State	EPA Region Avg.	%ile In EPA Region	USA Avg.	%ile In USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	11.4	12	13	10.1	74	10.7	60
Ozone (ppb)	44.3	49.6	17	44.9	41	46.3	37
NATA Diesel PM ($\mu\text{g}/\text{m}^3$) [*]	0.0484	0.573	6	0.53	<50th	0.824	<50th
NATA Cancer Risk (lifetime risk per million) [*]	32	52	3	45	<50th	49	<50th
NATA Respiratory Hazard Index [*]	1.1	2.3	5	2	<50th	2.3	<50th
NATA Neurological Hazard Index [*]	0.025	0.05	8	0.052	<50th	0.063	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	5.7	110	16	85	16	110	13
Lead Paint Indicator (% Pre-1960 Housing)	0.17	0.13	72	0.16	66	0.3	45
NPL Proximity (site count/km distance)	0.016	0.032	71	0.069	30	0.096	17
RMP Proximity (facility count/km distance)	0.17	0.27	61	0.25	64	0.31	58
TSDF Proximity (facility count/km distance)	0.0062	0.0086	37	0.025	23	0.054	14
Water Discharger Proximity (facility count/km distance)	0.056	0.19	13	0.19	17	0.25	14
Demographic Indicators							
Demographic Index	35%	41%	47	37%	55	35%	59
Minority Population	25%	44%	34	36%	46	36%	48
Low Income Population	45%	38%	64	38%	64	34%	71
Linguistically Isolated Population	2%	3%	62	4%	61	5%	54
Population With Less Than High School Education	12%	16%	46	16%	45	15%	54
Population Under 5 years of age	5%	7%	31	6%	39	7%	38
Population over 64 years of age	9%	11%	45	14%	32	13%	35

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <http://www.epa.gov/ttn/atw/natamain/index.html>.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

Action-Specific ARARs/TBC
Statesboro Highway Creosote Site, Sylvania, Georgia

Action	Requirements	Prerequisite	Citation
<i>General Construction Standards – All Land-disturbing Activities (i.e., excavation, clearing, grading, etc.)</i>			
Managing storm water runoff from land-disturbing activities	Shall implement best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, as provided in O.G.C.A. § 12-7-6(b), during excavation activity.	Land-disturbing activity (as defined in O.C.G.A. § 12-7-3(9)) of more than one acre of land — applicable	Georgia Erosion and Sedimentation Act O.G.C.A. § 12-7-6(b)
	Shall control turbidity of stormwater runoff discharges to the extent the limits in O.C.G.A. § 12-7-6 shall not be exceeded.	Land-disturbing activity (as defined in O.C.G.A. § 12-7-3(9)) of more than one acre of land — applicable	GA Rule 391-3-7-.06
Managing fugitive dust emissions	Shall take all reasonable precautions to prevent fugitive dust from becoming airborne, including the following precautions: (i) use of water or chemicals for dust control; (ii) application of asphalt, water, or chemicals on surfaces that can give rise to airborne dusts; (iii) installation of hoods, fans, and filters to enclose and vent the handling of dusty materials; (iv) covering, at all times when in motion, open bodied trucks transporting materials likely to give rise to airborne dusts; and (v) prompt removal of earth or other material from paved streets onto which it has been deposited.	Operations, processes, handling, transportation or storage which may result in fugitive dust – relevant and appropriate	Georgia Air Quality Control Regulations Rule 391-3-1-.02(2)(n)(1)
	Shall not allow the percent opacity from any fugitive dust source to equal or exceed 20 percent		Georgia Air Quality Control Regulations Rule 391-3-1-.02(2)(n)(2)

Action-Specific ARARs/TBC
Statesboro Highway Creosote Site, Sylvania, Georgia

Action	Requirements	Pre-requisite	Citation
<p style="text-align: center;"><i>Waste Characterization and Storage —</i></p> <p style="text-align: center;"><i>Primary Wastes (i.e., contaminated soils, debris and debris) and Secondary Wastes (treatment residuals, spent treatment media)</i></p>			
Characterization of <i>solid</i> waste	Must determine if solid waste is hazardous waste or if waste is excluded under 40 CFR 261.4(b); and must determine if waste is listed under 40 CFR Part 261.	Generation of solid waste as defined in 40 CFR 261.2 and which is not excluded under 40 CFR 261.4(a) — applicable	40 CFR 262.11(a) and (b) GA Rule §391-3-11-.08
	Must determine whether the waste is (characteristic waste) identified in subpart C of 40 CFR Part 261 by either: (1) Testing the waste according to the methods set forth in subpart C of 40 CFR Part 261, or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.		40 CFR 262.11(c) GA Rule §391-3-11-.08
	Must refer to Parts 261, 262, 264, 265, 266, 268, and 273 of Chapter 40 for possible exclusions or restrictions pertaining to management of the specific waste.	Generation of solid waste which is determined to be hazardous — applicable	40 CFR 262.11(d) GA Rule §391-3-11-.08
Characterization of <i>hazardous</i> waste	Must obtain a detailed chemical and physical analysis on a representative sample of the waste(s), which at a minimum contains all the information that must be known to treat, store, or dispose of the waste in accordance with pertinent sections of 40 CFR 264 and 268.	Generation of RCRA-hazardous waste for storage, treatment or disposal — applicable	40 CFR 264.13(a)(1) GA Rule §391-3-11-.10
	Must determine the underlying hazardous constituents [as defined in 40 CFR 268.2(i)] in the waste.	Generation of RCRA <i>characteristic</i> hazardous waste (and is not D001 non-wastewaters treated by CMBST, RORGS, or POLYM of Section 268.42 Table 1) for storage, treatment or disposal — applicable	40 CFR 268.9(a) GA Rule §391-3-11-.16

Action-Specific ARARs/TBC
Statesboro Highway Creosote Site, Sylvania, Georgia

Action	Requirements	Prerequisite	Citation
Characterization of hazardous waste (cont'd)	Must determine if the waste is restricted from land disposal under 40 CFR 268 <i>et seq.</i> This is done by determining if the hazardous waste meets the treatment standards in 40 CFR 268.40, 268.45 or 268.49 and the determination can be made concurrently with the hazardous waste determination required in 40 CFR 262.11 by either: testing in accordance with prescribed methods <u>or</u> use of generator knowledge of waste.		40 CFR 268.7 GA Rule §391-3-11-.16
	Must comply with the special requirements of 40 CFR 268.9 in addition to any applicable requirements in 40 CFR 268.7.	Generation of waste or soil that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity for storage, treatment, or disposal – applicable	40 CFR 268.7(a)(1) GA Rule §391-3-11-.16
	Must determine each EPA Hazardous Waste Number (Waste Code) to determine the applicable treatment standards under 40 CFR 268.40 <i>et. seq.</i> This determination can be made concurrently with the hazardous waste determination required in 40 CFR 262.11.		40 CFR 268.9(a) GA Rule §391-3-11-.16
Temporary storage of hazardous waste in containers	A generator may accumulate hazardous waste at the facility provided that: <ul style="list-style-type: none"> • waste is placed in containers that comply with 40 CFR 265.171-173; • the date upon which accumulation begins is clearly marked and visible for inspection on each container; • container is marked with the words "hazardous waste" 	Accumulation of RCRA hazardous waste on site as defined in 40 CFR 260.10 — applicable	40 CFR 262.34(a)(1)-(3) GA Rule §391-3-11-.08

Action-Specific ARARs/TBC
Statesboro Highway Creosote Site, Sylvania, Georgia

Action	Requirements	Applicable	Citation
	<ul style="list-style-type: none"> container may be marked with other words that identify the contents. 	Accumulation of 55 gal. or less of RCRA hazardous waste at or near any point of generation — applicable	40 CFR 262.34(c)(1) GA Rule §391-3-11-.08
Use and management of hazardous waste in containers	If container is not in good condition (e.g. severe rusting, structural defects) or if it begins to leak, must transfer waste into container in good condition	Storage of RCRA hazardous waste in containers — applicable	40 CFR 265.171 GA Rule §391-3-11-.10
	Use container made or lined with materials compatible with waste to be stored so that the ability of the container is not impaired		40 CFR 265.172 GA Rule §391-3-11-.10
	Keep containers closed during storage, except to add/remove waste		40 CFR 265.173(a) GA Rule §391-3-11-.10
	Open, handle and store containers in a manner that will not cause containers to rupture or leak		40 CFR 265.173(b) GA Rule §391-3-11-.10
Storage of hazardous waste in container area	Area must have a containment system designed and operated in accordance with 40 CFR 264.175(b).	Storage of RCRA hazardous waste in containers with <i>free liquids</i> – applicable	40 CFR 264.175(a) GA Rule §391-3-11-.10
	Area must be sloped or otherwise designed and operated to drain liquid from precipitation, or Containers must be elevated or otherwise protected from contact with accumulated liquid.	Storage of RCRA hazardous waste in containers that <i>do not contain free liquids</i> (other than F020, F021, F022, F023, F026 and F027) – applicable	40 CFR 264.175(c)(1) and (2) GA Rule §391-3-11-.10
Closure performance standard for RCRA container storage unit	<p>Must close the facility (e.g., container storage unit) in a manner that:</p> <ul style="list-style-type: none"> Minimizes the need for further maintenance; Controls minimizes or eliminates to the extent necessary to protect human health and the environment, post-closure escape of 	Storage of RCRA hazardous waste in containers – applicable	40 CFR 264.111 GA Rule §391-3-11-.10

Action-Specific ARARs/TBC
Statesboro Highway Creosote Site, Sylvania, Georgia

Action	Requirements	Prerequisite	Citation
	<p>hazardous waste, hazardous constituents, leachate, contaminated run –off, or hazardous waste decomposition products to the ground or surface waters or the atmosphere; and</p> <ul style="list-style-type: none"> Complies with the closure requirements of subpart, but not limited to, the requirements of 40 CFR 264.178 for containers. 		
Closure of RCRA container storage unit	At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soils containing or contaminated with hazardous waste and hazardous waste residues must be decontaminated or removed.	Storage of RCRA hazardous waste in containers in a unit with a containment system – applicable	40 CFR 264.178 GA Rule §391-3-11-.10
Performance criteria for staging pile	<p>Staging pile must:</p> <ul style="list-style-type: none"> facilitate a reliable, effective and protective remedy; must be designed to prevent or minimize releases of hazardous wastes and constituents into the environment, and minimize or adequately control cross-media transfer as necessary to protect human health and the environment (e.g. use of liners, covers, run-off/run-on controls). 	Storage of remediation waste in a staging pile – applicable	40 CFR 264.554(d)(1)(i) and (ii) GA Rule §391-3-11-.10
Operation of a staging pile	<p>Must not operate for more than two years, except when an operating term extension under 40 CFR 264.554(i) is granted.</p> <p><i>Note:</i> Must measure the two-year limit (or other operating term specified) from first time remediation waste placed in staging pile.</p>	Storage of remediation waste in a staging pile – applicable	40 CFR 264.554(d)(1)(iii) GA Rule §391-3-11-.10

Action-Specific ARARs/TBC
Statesboro Highway Creosote Site, Sylvania, Georgia

Action	Requirements	Prerequisite	Citation
	Must not use staging pile longer than the length of time designated by EPA in appropriate decision document.		40 CFR 264.554(h) GA Rule §391-3-11-.10
Design criteria for staging pile	In setting standards and design criteria must consider the following factors: <ul style="list-style-type: none"> • Length of time pile will be in operation; • Volumes of waste you intend to store in the pile; • Physical and chemical characteristics of the wastes to be stored in the unit; • Potential for releases from the unit; • Hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and • Potential for human and environmental exposure to potential releases from the unit. 	Storage of remediation waste in a staging pile – applicable	40 CFR 264.554(d)(2)(i) – (vi) GA Rule §391-3-11-.10
Operation of a staging pile	Must not place in the same staging pile unless you have complied with 40 CFR 264.17(b).	Storage of "incompatible" remediation waste (as defined in 40 CFR 260.10) in staging pile – applicable	40 CFR 264.554(f)(1) GA Rule §391-3-11-.10
	Must separate the incompatible waste or materials, or protect them from one another by using a dike, berm, wall or other device.	Staging pile of remediation waste stored nearby to incompatible wastes or materials in containers, other piles, open tanks or land disposal units – applicable	40 CFR 264.554(f)(2) GA Rule §391-3-11-.10
	Must not pile remediation waste on same base where incompatible wastes or materials were previously piled unless you have sufficiently decontaminated the base to comply with 40 CFR 264.17(b).		40 CFR 264.554(f)(3) GA Rule §391-3-11-.10

Action-Specific ARARs/TBC
Statesboro Highway Creosote Site, Sylvania, Georgia

Action	Requirements	Prerequisite	Citation
Closure of staging pile of remediation waste	Must be closed within 180 days after the operating term by removing or decontaminating all remediation waste, contaminated containment system components, and structures and equipment contaminated with waste and leachate. Must decontaminate contaminated subsoils in a manner that EPA determines will protect human and the environment.	Storage of remediation waste in staging pile in previously contaminated area – applicable	40 CFR 264.554(j)(1) and (2) GA Rule §391-3-11-.10
	Must be closed within 180 days after the operating term according to 40 CFR 264.258(a) and 264.111 or 265.258(a) and 265.111.	Storage of remediation waste in staging pile in uncontaminated area – applicable	40 CFR 264.554(k) GA Rule §391-3-11-.10
<i>Waste treatment and disposal</i> <i>Primary Wastes (i.e., contaminated soils, debris) and Secondary Wastes (treatment residuals, spent treatment media)</i>			
Disposal of RCRA-hazardous waste in a land-based unit	May be land disposed if it meets the requirements in the table "Treatment Standards for Hazardous Waste" at 40 CFR 268.40 before land disposal.	Land disposal, as defined in 40 CFR 268.2, of restricted RCRA waste — applicable	40 CFR 268.40(a) GA Rule §391-3-11-.16
	All underlying hazardous constituents [as defined in 40 CFR 268.2(i)] must meet the Universal Treatment Standards, found in 40 CFR 268.48 Table UTS prior to land disposal	Land disposal of restricted RCRA characteristic wastes (D001-D043) that are not managed in a wastewater treatment system that is regulated under the CWA, that is CWA equivalent, or that is injected into a Class I nonhazardous injection well — applicable	40 CFR 268.40(e) GA Rule §391-3-11-.16
	To determine whether a hazardous waste identified in this section exceeds the applicable treatment standards of 40 CFR 268.40, the initial generator must test a sample of the waste extract or the entire waste, depending on	Land disposal of RCRA toxicity characteristic wastes (D004-D011) that are newly identified (i.e., wastes, soil, or debris identified by the TCLP but not the Extraction Procedure) — applicable	40 CFR 268.34(f) GA Rule §391-3-11-.16

Action-Specific ARARs/TBC
Statesboro Highway Creosote Site, Sylvania, Georgia

Action	Requirements	Prerequisite	Citation
	<p>whether the treatment standards are expressed as concentration in the waste extract or waste, or the generator may use knowledge of the waste.</p> <p>If the waste contains constituents (including UHCs in the characteristic wastes) in excess of the applicable UTS levels in 40 CFR 268.48, the waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified.</p>		
Disposal of RCRA <i>hazardous soils</i> in a land-based unit	Must be treated according to the alternative treatment standards of 40 CFR 268.49(c) <u>or</u> according to the UTSs [specified in 40 CFR 268.48 Table UTS] applicable to the listed and/or characteristic waste contaminating the soil prior to land disposal.	Land disposal, as defined in 40 CFR 268.2, of restricted hazardous soils — applicable	40 CFR 268.49(b) GA Rule §391-3-11-.16
Treatment of RCRA <i>hazardous waste soil</i> on-site	Prior to land disposal, all “constituents subject to treatment” as defined in 40 CFR 268.49(d) must be treated as follows:	Treatment of restricted hazardous waste soils – applicable	40 CFR 268.49(c)(1) GA Rule §391-3-11-.16
	<ul style="list-style-type: none"> • For non-metals (except carbon disulfide, cyclohexanone, and methanol), treatment must achieve a 90 percent reduction in total constituent concentrations, except as provided in 40 CFR 268.49(c)(1)(C) 		40 CFR 268.49(c)(1)(A) GA Rule §391-3-11-.16
	<ul style="list-style-type: none"> • For metals and carbon disulfide, cyclohexanone, and methanol,), treatment must achieve a 90 percent reduction in total constituent concentrations as measured in leachate from the treated media (tested according to TCLP) <u>or</u> 90 percent reduction in total constituent concentrations (when a 		40 CFR 268.49(c)(1)(B) GA Rule §391-3-11-.16

Action-Specific ARARs/TBC
Statesboro Highway Creosote Site, Sylvania, Georgia

Action	Requirements	Prerequisite	Citation
	metal removal technology is used), except as provided in 40 CFR 268.49(c)(1)(C)		
	<ul style="list-style-type: none"> When treatment of any constituent subject to treatment to a 90 percent reduction standard would result in a concentration less than 10 times the Universal Treatment Standard for that constituent, treatment to achieve constituent concentrations less than 10 times the universal treatment standard is not required. [Universal Treatment Standards are identified in 40 CFR 268.48 Table UTS] 		40 CFR 268.49(c)(1)(C) GA Rule §391-3-11-.16
	In addition to the treatment requirement required by paragraph (c)(1) of this section, soils must be treated to eliminate these characteristics	Soils that exhibit the characteristic of ignitability, corrosivity or reactivity intended for land disposal – applicable	40 CFR 268.49(c)(2) GA Rule §391-3-11-.16
	Provides methods on how to demonstrate compliance with the alternative treatment standards for contaminated soils that will be land disposed.	On –site treatment of restricted hazardous waste soils following alternative soil treatment of 40 CFR 268.49(c) – To Be Considered	<i>Guidance on Demonstrating Compliance with the LDR Alternative Soil Treatment Standards</i> [EPA 530 –R –02 –003, July 2002]
Disposal of RCRA hazardous waste debris in a land-based unit (i.e., landfill)	Must be treated prior to land disposal as provided in 40 CFR 268.45(a)(1)–(5) unless EPA determines under 40 CFR 261.3(f)(2) that the debris no longer contaminated with hazardous waste <u>or</u> the debris is treated to the waste –specific treatment standard provided in 40 CFR 268.40 for the waste contaminating the debris.	Land disposal, as defined in 40 CFR 268.2, of restricted RCRA hazardous debris – applicable	40 CFR 268.45(a) GA Rule §391-3-11-.16
Disposal of <i>treated</i> hazardous debris	Debris treated by one of the specified extraction or destruction technologies on Table 1 of 40 CFR 268.45 and which no longer exhibits a	Treated debris contaminated with RCRA listed or characteristic waste - applicable	40 CFR 268.45(c) GA Rule §391-3-11-.16

Action-Specific ARARs/TBC
Statesboro Highway Creosote Site, Sylvania, Georgia

Action	Requirements	Applicable	Citation
	characteristic of hazardous waste identified under subpart C, part 261, after treatment is not a hazardous waste and need not be managed in RCRA Subtitle C facility. Hazardous debris contaminated with listed waste treated by immobilization technology must be managed in a RCRA Subtitle C facility.		
Disposal of <i>hazardous debris treatment residues</i>	Except as provided in 268.45(d)(2) and (d)(4), residue from the treatment of debris must be separated from the treated debris using simple physical or mechanical means, and such residues are subject to the waste-specific treatment standards provided by subpart D of this part for the waste contaminating the debris.	Residue from treatment of hazardous debris – applicable	40 CFR 268.45(d)(1) GA Rule §391-3-11-.16
Transportation of Wastes			
Transportation of hazardous waste on-site	The generator manifesting requirements of 40 CFR 262.20–262.32(b) do not apply. Generator or transporter must comply with the requirements set forth in 40 CFR 263.30 and 263.31 in the event of a discharge of hazardous waste on a private or public right-of-way.	Transportation of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way — applicable	40 CFR 262.20(f) GA Rule §391-3-11-.08
Transportation of hazardous waste off-site	Must comply with the generator requirements of 40 CFR 262.20–23 for manifesting, Sect. 262.30 for packaging, Sect. 262.31 for labeling, Sect. 262.32 for marking, Sect. 262.33 for placarding, Sect. 262.40, 262.41(a) for record keeping requirements, and Sect. 262.12 to obtain EPA ID number.	Off-site transportation of RCRA-hazardous waste — applicable	40 CFR 262.10(h) GA Rule §391-3-11-.08
	Must comply with the requirements of 40 CFR 263.11–263.31. A transporter who meets all applicable requirements of 49 CFR 171-179 and the	Transportation of hazardous waste within the United States requiring a manifest — applicable	40 CFR 263.10(a) GA Rule §391-3-11-.09

Action-Specific ARARs/TBC
Statesboro Highway Creosote Site, Sylvania, Georgia

Action	Requirements	Prerequisite	Citation
	requirements of 40 CFR 263.11 and 263.31 will be deemed in compliance with 40 CFR 263.		
Transportation of hazardous materials	<p>Shall be subject to and must comply with all applicable provisions of the HMTA and DOT HMR at 49 CFR 171-180.</p> <p>In addition to any specific requirements set forth in GA Rule 672-10, all hazardous materials shall be packaged, marked, labeled, handled, loaded, unloaded, stored, detained, transported, placarded, and monitored in compliance with 49 CFR.</p>	Any person who, under contract with a department or agency of the federal government, transports "in commerce," or causes to be transported or shipped, a hazardous material — applicable	<p>49 CFR 171.1(c)</p> <p>GA Rule §672-10(a)</p>
Transportation of samples (i.e. contaminated soils and wastewaters)	<p>Are not subject to any requirements of 40 CFR Parts 261 through 268 or 270 when:</p> <ul style="list-style-type: none"> the sample is being transported to a laboratory for the purpose of testing; or the sample is being transported back to the sample collector after testing. the sample is being stored by sample collector before transport to a lab for testing 	Samples of solid waste <u>or</u> a sample of water, soil for purpose of conducting testing to determine its characteristics or composition — applicable	<p>40 CFR 261.4(d)(1)(i)–(iii)</p> <p>GA Rule §391-3-11-.07</p>
	<p>In order to qualify for the exemption in paragraphs (d)(1)(i) and (ii), a sample collector shipping samples to a laboratory must:</p> <ul style="list-style-type: none"> Comply with U.S. DOT, U.S. Postal Service, or any other applicable shipping requirements Assure that the information provided in (1) thru (5) of this section accompanies the sample. Package the sample so that it does not leak, spill, or vaporize from its packaging. 		<p>40 CFR 261.4(d)(2)(i)(A) and (B)</p> <p>GA Rule §391-3-11-.07</p>

Action-Specific ARARs/TBC
Statesboro Highway Creosote Site, Sylvania, Georgia

Action	Requirements	Prerequisite	Citation
Transportation and handling of solid waste	No person shall engage in solid waste or special solid waste handling in Georgia or construct or operate a solid waste handling facility in Georgia, except those individuals exempted from this part under Code Section 12-8-30,10, without first obtaining a permit from the director authorizing such activity.	Management of solid waste in Georgia – applicable	Georgia Solid Waste Management Act of 1990 O.C.G.A. §12-8-24

ARAR = applicable or relevant and appropriate requirement

CFR = *Code of Federal Regulations*

CWA = Clean Water Act

DEACT = deactivation

DOT = U.S. Department of Transportation

EPA = U.S. Environmental Protection Agency

EPD = Georgia Environmental Protection Division of the Georgia Department of Natural Resources

HMR = Hazardous Materials Regulations

HMTA = Hazardous Materials Transportation Act

GA Rule = *Rules and Regulations*, Section as noted

LDR = Land Disposal Restrictions

O.C.G.A. = *Official Code of Georgia Annotated*, Chapter as noted

RCRA = Resource Conservation and Recovery Act of 1976

TBC = to be considered

TCLP = Toxicity Characteristic Leaching Procedure

U.S. = United States

UTS = Universal Treatment Standard



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER

61 FORSYTH STREET

ATLANTA, GEORGIA 30303-8960

APR 28 2015

Mr. Keith Bentley
Georgia Environmental Protection Division
Department of Natural Resources
205 Butler Street
Suite 1154 – East Tower
Atlanta, Georgia 30334

**SUBJECT: Request for Identification of State ARARs
Statesboro Highway Creosote Site
Sylvania, Screven County, Georgia
CERCLIS ID: GAN000410813**

Dear Mr. Bentley:

The U.S. Environmental Protection Agency will be performing a removal action at the Statesboro Highway Creosote Site (the Site) in Sylvania, Screven County, Georgia. In performing this action, the EPA will attempt to comply to the extent practicable with all Applicable or Relevant and Appropriate Requirements (ARARs) of State environmental and facility siting laws. This letter is a request to the State of Georgia for notification to the EPA On-Scene Coordinator (OSC) of any State statutes or regulations that the State believes are potential ARARs for the removal action. This letter contains information on the Site conditions and proposed actions to assist you in identifying ARARs.

The EPA requests that a State official notify the EPA of any potential State ARARs. The types of ARARs which will be considered fall into the following three categories: chemical-, location-, and action-specific requirements. Chemical-specific requirements are health-, technology-, or risk-based numeric values that establish the acceptable amount or concentration of a chemical that may be found in, or discharged to, the environment. Location-specific requirements are restrictions placed on the concentration of hazardous substances or the conduct of activities solely because they occur in special locations. For example, the requirement that hazardous waste storage facilities located within the 100-year flood plain must be designed, constructed, operated and maintained to avoid washout is considered a location-specific requirement. Action-specific requirements are technology- or activity-based requirements or limitations on actions taken with respect to hazardous substances.

The Site is located at 6476 Statesboro Highway, Sylvania, Screven County, Georgia. The Site is a former family-owned wood preserving facility that started operations sometime in the 1940s and continued into the early 1960s. The facility consisted of a weighing area, a vat with wood preserving chemicals that served as the processing area and the drying and staging area accessible to vehicles. The Site is situated in a rural area, and it can be accessed either by Scarboro Highway (south) or Statesboro Highway (east). The closest water body is Simmons Branch half mile east which then flows to the Ogeechee River which is located two miles south of the Site. The distance to the nearest residence, other than the current owner, is less than 300 feet away.

The removal action will meet the following objectives: 1) Provide security measures to prohibit access to the Site by unauthorized personnel; 2) Remove and properly dispose of the contents of the creosote treatment vessel; 3) Demolition of unsafe structures; 4) Remove and properly dispose of contaminated debris; 5) Remove containerized hazardous waste and hazardous substances that may be identified; 6) Excavate and properly dispose of contaminated soil; 7) Abandon the well adjacent to the creosote treatment vessel; and 8) Restore the Site.

References or citations to the statutes or regulations, or copies of pertinent provisions of State requirements, will greatly facilitate our ability to evaluate these requirements as ARARs for the Site. The EPA will examine these requirements and determine whether they are applicable or relevant and appropriate to the Site. Pursuant to 40 CFR 300.415(j), fund-financed removal actions shall, to the extent practicable considering the exigencies of the situation, attain ARARs under federal environmental or state environmental or facility siting laws. It is important to clarify, however, that some requirements identified by the State may be determined not to be ARARs, may be determined to be impracticable to meet or may qualify for a waiver.

Please call me at (404) 562-8747 (office) or (404) 229-9516 (cell), if additional information on the Site is needed for the purpose of completing the ARARs review. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink that reads "Karen Buerki". The signature is written in a cursive, flowing style.

Karen Buerki
On-Scene Coordinator
Emergency Response, Removal and Prevention Branch

Georgia Department of Natural Resources

Environmental Protection Division-Land Protection Branch

2 Martin Luther King Jr., Dr., Suite 1054, Atlanta, Georgia 30334

(404) 656-7802; Fax (404) 651-9425

Judson H. Turner, Director

By E-mail and USPS

May 22, 2015

Ms. Karen Buerki
On-Scene Coordinator
ERRPB, USEPA Region IV
61 Forsyth St.
Mail Code 9T-25
Atlanta, GA 30303-8960

Re: Request for Identification of
ARARs, Statesboro Hwy. Creosote
Site, CERCLIS ID GAN000410813

Dear Mr. Gioiosa:

The Environmental Protection Division (EPD) has received the referenced request, dated May 15, 2015, for identification of Applicable, Relevant and Appropriate Requirements (ARARs) for the upcoming removal action at the referenced site, located at 6476 Statesboro Highway, Sylvania, Screven County. Attached is the list of ARARs developed and supplied for the fund-lead remedial action at the Escambia-Camilla site in Mitchell County, GAD008212409. The setting and contaminants at the two sites are similar, so the same ARARs are indicated.

You may contact me 404-656-7802 if you have any questions regarding this matter.

Sincerely:



Jim McNamara
Unit Coordinator
Land Protection Branch

Standard, Requirement Criteria, Or Limitation	Citation	Description	Applicable Relevant and Appropriate
Contaminant Specific			
Rules for Safe Drinking Water	GA Chapter 391-3-5	Establishes policies, procedures, requirements, and standards to implement the Georgia Safe Water Act (O.C.G.A. 12-5-170) and to carry out the purposes and requirements of the Federal Safe Drinking Water Act. These rules are promulgated so that the citizens of the State shall be assured adequate, safe drinking water of the highest quality. Particular subparagraphs within the rule include 391-3-5-.18 (primary MCLs), 391-3-5-.19 (secondary MCLs), and 391-3-5-.25 (treatment technique action levels).	Applicable
Rules for Water Quality Control	GA Chapter 391-3-6	Establishes the organizational and administrative procedures to be followed in the administration and enforcement of the Georgia Water Quality Control Act (O.C.G.C 12-5-20) and to carry out the purposes and requirements of the Federal Water Pollution Control Act. Particular subparagraphs within this rule include 391-3-6-.03 (water use classifications and water quality standards).	Applicable
Rules for Hazardous Site Response	GA Chapter 391-3-19	Establishes policies, procedures, requirements, and standards to implement the Georgia Hazardous Site Response Act (O.C.G.A. 12-8-90). In particular, Chapter 391-3-19-.07 establishes the risk reduction standards.	Relevant and Appropriate
Rules for Air Quality Control	GA Chapter 391-3-1	Establishes the policies, procedures, requirements, and standards to implement the Georgia Air Quality Control Law (O.C.G.A. 12-9-1). States that no person shall construct or operate any facility from which air contaminants may be emitted in such a manner as to fail to comply with any applicable standards of performance or any other requirement for a hazardous air pollutant established by EPA	Relevant and Appropriate for handling of contaminated soil and soil/groundwater treatment at the site

Standard, Requirement Criteria, Or Limitation	Citation	Description	Applicable Relevant and Appropriate
Location Specific			
Rules for Erosion and Sedimentation Control	GA Chapter 391-3-7	A plan must be developed before any land disturbance. In addition, any land disturbing activity proposed within a 100-year floodplain must not adversely affect adjacent upstream or downstream properties by causing flooding, erosion, or sedimentation.	Relevant and Appropriate
Rules for Environmental Planning Criteria	GA Chapter 391-3-16	Establishes criteria for the protection of groundwater recharge area and wetlands.	Relevant and Appropriate
Endangered Wildlife Act of 1973	GA Code 27-3-132	Wildlife species identified as endangered or threatened will be protected from harm, and that the disturbance, mutilation, or destruction of wildlife homes is prohibited.	Relevant and Appropriate
Endangered Wildlife & Wildflower Preservation Acts of 1973	GA Code 12-6-172	Protection of endangered or threatened species that are state listed and not federally listed, or are more stringently listed by the state act than the federal act.	Relevant and Appropriate
Criteria for Siting Solid Waste Handling Facility	GA Chapter 391-3-4-.05	Provides criteria that must be met for a site proposed as a solid waste handling facility. Defines requirements and restrictions for sites proposed for 100-year floodplain areas, wetlands, fault areas, seismic impact zones, and significant groundwater recharge areas.	Applicable

Action Specific			
Rules for Hazardous Waste Management	GA Chapter 391-3-11	Establishes policies, requirements, and standards to implement the Georgia Hazardous Waste Management Act (O.C.G.A. 12-8-60) promulgated for the purpose of protecting and enhancing the quality of the State's environment and protecting the public health, safety, and well-being of its citizens. Subparagraphs within this rule include 391-3-11-.04 (notification of hazardous waste activities), 391-3-11-.07 (identification and listing of hazardous waste), and 391-3-11-.11.	Relevant and Appropriate
Transportation of Hazardous Materials	GA Chapter 672-10	Establishes the requirements for the transportation of hazardous materials and obtaining permits for such transportation.	Relevant and Appropriate if hazardous material is transported offsite.

SUMMARY

Standard, Requirement Criteria, Or Limitation	Citation	Description	Applicable Relevant and Appropriate
Rules for Air Quality Control	GA Chapter 391-3-1	<p>Establishes policies, requirements, and standards to implement the Georgia Air Quality Act (O.C.G.A. 12-9-1). States that no person shall construct or operate any facility from which air contaminants are or may be emitted in such a manner as to fail to comply with any applicable standards of performance or any other requirement for a hazardous air pollutant established by EPA.</p> <p>Establishes a system for classifying air pollution sources and assures compliance with emission control standards. Sets forth ambient air quality standards, which establishes certain maximum limits on parameters of air quality considered desirable for the preservation and enhancement of the quality of the State's air resources.</p>	Relevant and Appropriate for handling of contaminated soil and treatment at the site; and if groundwater is treated via air stripping.
Rules for Safe Drinking Water	GA Chapter 391-3-5	Primary MCLs are adopted for the protection of human health.	Relevant and Appropriate
Rules for Water Quality Control	GA Chapter 391-3-6	Section .06 and .08 provides for the degree of waste pretreatment and treatment required and the uniform procedures and practices to be followed relating to the application for issuance, modification, relocation, reissuance, and termination of permits for the discharge of any pollutant into a POTW or the waters of the State. Section .13 establishes classes of injection wells, prohibitions, criteria and standards applicable to injection wells. Sections .13 and .15 pertain to NPDES permits and associated requirements.	Relevant and Appropriate if groundwater is extracted, treated, and discharged either by reinjection, surface water and/or POTW
Well Standards	GA Code 12-5-120	Provides standards for any monitor wells to be installed or abandoned during remedial activities.	Applicable
Groundwater Use	GA Chapter 391-3-2	Establishes procedures to be followed to withdraw, obtain, or use groundwater.	Relevant and Appropriate if groundwater is extracted for treatment.

Notes:

NPDES National Pollutant Discharge Elimination System
 OCGA Official Code of Georgia Annotated
 POTW Publicly Owned Treatment Works

Attachment D
General Notice Letter/Information Request



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 20 2015

GENERAL NOTICE LETTER
15-DAY RESPONSE DEADLINE
RETURN RECEIPT REQUESTED

Ms. Sandra Jeffers
6476 Statesboro Highway
Sylvania, Georgia 30467

**Re: General Notice Letter and Information Request
Statesboro Highway Creosote Site in Sylvania, Georgia**

Dear Ms. Jeffers:

The purposes of this letter are: (1) to notify you of potential liability that you may have incurred with respect to the Statesboro Highway Creosote Superfund Site (the Site) located at 6476 Statesboro Highway in Sylvania, Screven County, Georgia; (2) to request information from you; and (3) to offer you the opportunity to perform or finance the removal action at the Site described herein.

The U.S. Environmental Protection Agency is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. The EPA has documented that such a release has occurred at the Site, and the EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site.

Unless the EPA reaches an agreement under which a potentially responsible party (PRP) will properly perform or finance such actions, the EPA may perform these actions pursuant to its response authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9604 (commonly known as the federal Superfund law).

Explanation of Potential Liability

PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at a site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered. Under Sections 106(a) and 107(a) of CERCLA, PRPs may be

Please note that, because the EPA has a potential claim against you, you must include the EPA as a creditor if you file for bankruptcy. The EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

Information to Assist You


Pursuant to Section 113(k) of CERCLA, the EPA will establish an Administrative Record that contains documents that serve as the basis for the EPA's selection of a cleanup action for the Site. The Administrative Record will be made available to the public for inspection and comment at a location near the Site or at the EPA Region 4 Superfund Records Center in Atlanta, Georgia.

The factual and legal discussions in this letter are intended solely to provide notice and information, and such discussions are not to be construed as a final EPA position on any matter set forth herein. Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond properly within the time specified above, the EPA strongly encourages you to give this matter immediate attention and consider consulting with an attorney.

If you have any legal questions regarding this matter, please contact Christopher Cole, Associate Regional Counsel, at (404) 562-8168 or by email at Cole.Christopher@epa.gov. For technical questions regarding the removal action, please contact Karen Buerki, On-Scene Coordinator, at (404) 562-8747 or by email at Buerki.Karen@epa.gov.

The EPA appreciates your continued cooperation and prompt response to this matter.

Sincerely,


Greg Armstrong, Chief
Superfund Enforcement Section

Enclosure

INFORMATION REQUEST - INSTRUCTIONS

1. Answer Every Question Completely.

A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.

2. Number Each Answer.

Precede each answer with the corresponding number of the question and the subpart to which it corresponds.

3. Provide the Best Information Available.

Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Information Request.

4. Identify the Sources of Each Answer.

For each and every question contained herein, identify (see Definitions) all persons consulted in the preparation of the answer. Also identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.

5. Abide By Your Continuing Obligation to Provide/Correct Information.

If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.

6. Understand How to Request Confidential Treatment of Your Information.

The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- A. The portions of the information alleged to be entitled to confidential treatment;
- B. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- C. Measures taken by you to guard against the undesired disclosure of the information to others;
- D. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- E. Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- F. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

7. Be Aware of Potential Disclosure to EPA Contractors.

Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

8. Mark Any Personal Privacy Information.

Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Answer Despite Objections to Questions.

If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "you" shall mean the addressee of this Request.
2. The term "person" shall include any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The term "Site" shall mean the Statesboro Highway Creosote Superfund Site located at 6476 Statesboro Highway in Sylvania, Screven County, Georgia.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
5. The term "contamination" shall include, but not be limited to, hazardous substances, plus any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.
6. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
7. The term "company" shall mean any business entity, however formally or informally organized which has ever existed at the Site property.
8. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
10. The term "documents" includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical

copies. These may include by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (1) every copy of each document which is not an exact duplicate of a document which is produces, (2) every copy which has any writing, figure or notation, annotation or the like on it, (3) drafts, (4) attachments to or enclosures with any document, and (5) every document referred to in any other document.

11. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
12. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
13. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
14. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

INFORMATION REQUEST - QUESTIONS

1. Identify the person(s) answering these questions, including all persons consulted in answering these questions and the documents consulted, examined, or referred to in preparation of answering these questions. Provide true and accurate copies of all such documents.
2. Identify the current owner and former owner(s) of the Site; dates of ownership; and circumstances in which title to the Site property was conveyed, or the Site was purchased or sold.
3. Describe your involvement at the Site and your involvement or role in any business, activities, or operations that have occurred at the Site.
4. Describe any business, activities, or operations that have occurred at the Site in which you had no role or involvement.
5. Identify the source of any and all materials containing hazardous substances, pollutants or contaminants, including creosote or wood treating products, that have been generated, treated, stored, or disposed of at or transported to the Site.
6. Provide any information or documents specifically related to the wood treating facility or wood treating activities at the Site or use of creosote or wood preservatives.
7. Provide copies of any and all documents related to any transactions or dealings with each entity or source identified in Questions #4-5 above and with any other company and individual that may have been involved with materials containing hazardous substances, pollutants or contaminants, that have been generated, treated, stored, or disposed of at or transported to the Site. (Examples may include, but are not limited to, receipts, bills, invoices, correspondence, contracts, agreements, and shipping records.)
8. Identify any other person who was ever employed at the Site or any person who may have had any involvement or knowledge related to materials containing hazardous substances, pollutants or contaminants, that have been generated, treated, stored, or disposed of at or transported to the Site.
9. Provide information and/or copies of any and all documents related to insurance policies at the Site that included coverage for environmental liability.
10. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.



HELLO COLE, LINDLEY

DATE: 04/20/2015
Date: 04/20/2015

Certified Mail Form

New Certified Mail Record

Certified No.:	70040530000131373842		
To:	Ms Sandra Jeffers		
Street:	6470 Statesboro Highway		
City:	Sylvania	State:	GA Zip: 30467
Sender:	Ray Strickland	Extension:	28898 Floor: 11
Sender Location:	ENFORCEMENT AND COMMUNITY ENGAGEMENT BRANCH, IO		
Building:	APC	Unit:	Enforcement
Alternate Sender:	Undley C. Cole	Alternate Sender Extension:	28851
Site Name:	Statesboro Highway Crossroads	Site ID:	



7004 0550 0001 2137 3842

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Restricted Delivery Fee (Endorsement Required)	
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Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
Ms Sandra Jeffers 6476 Statesboro Highway Sylvania, Georgia 30467	
PS Form 3800, June 2005	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 20 2015

GENERAL NOTICE LETTER
15-DAY RESPONSE DEADLINE
RETURN RECEIPT REQUESTED

*Response
enclosed*

Ms. Sandra Jeffers
6476 Statesboro Highway
Sylvania, Georgia 30467

**Re: General Notice Letter and Information Request
Statesboro Highway Creosote Site in Sylvania, Georgia**

Dear Ms. Jeffers:

The purposes of this letter are: (1) to notify you of potential liability that you may have incurred with respect to the Statesboro Highway Creosote Superfund Site (the Site) located at 6476 Statesboro Highway in Sylvania, Screven County, Georgia; (2) to request information from you; and (3) to offer you the opportunity to perform or finance the removal action at the Site described herein.

The U.S. Environmental Protection Agency is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. The EPA has documented that such a release has occurred at the Site, and the EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site.

Unless the EPA reaches an agreement under which a potentially responsible party (PRP) will properly perform or finance such actions, the EPA may perform these actions pursuant to its response authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9604 (commonly known as the federal Superfund law).

Explanation of Potential Liability

PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at a site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered. Under Sections 106(a) and 107(a) of CERCLA, PRPs may be

April 30, 2015

To Whom It May Concern:

Re: Response to General Notice Letter
And Information Request

1. Sandra W. Jeffers
2. Current owner - Rita L. Wyant Dynasty Trust
for Sandra Wyant Jeffers
Conveyed Dec. 31, 1997 to present

Former owner - Rita L. Wyant
conveyed April 1994 to Sept 1995 when
she died & property left to Sandra Jeffers, Trustee
Former owner - Warren W. Wyant ^{OF Rita Wyant Dynasty Trust}
purchased Sept 1946 - Died April 1994
& plot left to wife, Rita L. Wyant
3. None
4. Treated fence posts
5. I have no knowledge of this.
6. I have no information
7. I have no information
8. I have no information.
9. I have no information

10 I have no knowledge of anyone except my father, who died in 1994.

I inherited this site from my mother and father AND I have provided all the information that I know.

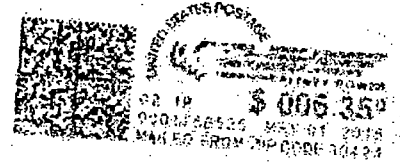
Sandra W. Jeffers

From: Sandra Jeffers
P.O. Box 94
Dover
GA 30424

CERTIFIED MAIL



7012 0470 0001 1754 3987



FLR: 11
MSC:
ARMSTRONG, GREG
SFT IMM OFF

TO: ARMSTRONG, GREG
FR: SFT IMM OFF
CUB:
PCS: 1



Post

nt Mailer

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To: Greg Armstrong, Chief
EPA Region 4
Atlanta Fed. Center
61 E. 14th St.
Atlanta, GA 30303
8960



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