



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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Ref: 8EPR-ER

DEC 12 2017

**ACTION MEMORANDUM**

**SUBJECT:** Approval and Funding for an Emergency Removal Action at the Bailey Hash Oil Site pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104.

**FROM:** Paul Peronard, *hl* *OK 4/20/18*  
On-Scene Coordinator *12/12/2017*

**THRU:** Laura Williams, Unit Leader  
Emergency Response *Laura Williams*

David A. Ostrander, Director *David A. Ostrander* *12/12/17*  
Emergency Response & Preparedness Program

**TO:** Betsy Smidinger  
Assistant Regional Administrator  
Office of Ecosystems protection and Remediation

Site ID# A8M9

**I. PURPOSE**

The purpose of this memorandum is to document the decision to initiate emergency response actions described herein for the Bailey Hash Oil Site (Site), located in Bailey, Park County, Colorado, pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104. This emergency removal action involves the assessment, cleanup and disposal of abandoned containers of butane at the Site. Conditions existing at the Site present a threat to public health and the environment and meet the criteria for initiating a removal action under 40 CFR 300.415(b)(2) of the National Contingency Plan (NCP).

This removal action involved no nationally-significant or precedent-setting issues. This emergency removal action did not establish any precedent for how future response actions will be taken and will not commit the US Environmental Protection Agency (EPA) to a course of action that could have a significant impact on future responses or resources. The abandoned containers held RCRA ignitable (D001) hazardous wastes and were located at a residential property. This removal action addressed the discovery of a release, or substantial threat of release, of abandoned containers of hazardous wastes at the Site.

## **II. SITE CONDITIONS AND BACKGROUND**

Site Name: Bailey Hash Oil  
Superfund Site I.D.: A8M9  
CERCLIS Number: CON000802526  
Site Location: Bailey, Park County, Colorado  
Lat/Long: 39.441161/ -105.6607632  
NPL Status: Not on NPL  
Removal Start Date: April 6, 2016

### **A. Site Description**

#### **1. Removal Site Evaluation**

On April 6, 2016, the Park County Sheriff's department responded to a domestic violence call. Because weapons were involved they conducted a complete search of the property. This search revealed the presence of an illegal hash oil production lab located in a barn on the property. Within this lab were over 2,000 containers of butane of various sizes (0.5 to 20 gallons) and in various states of discharge, but mostly full. The Park County Sheriff's Office requested EPA assistance is handling the situation and OSC Peronard with a three-man ERRS crew were dispatched to the facility on the afternoon of April 6, 2016, to arrange for the removal and proper disposal of the butane containers.

#### **2. Physical Location**

The Site was a five-acre residential property located at 1888 CR 72 in Bailey, Park County, Colorado. The area is a lightly populated residential area in very mountainous terrain.

#### **3. Site Characteristics**

All of the butane containers were found inside a wooden barn on the property. They were all reasonably well labeled and in good condition. However, because the operation was an illegal drug operation Park County sought condemnation of the property and requested that the propane be removed. OSC Peronard contacted the property owner at the Park County jail, and he consented to the disposal of the butane. Because the containers of butane were to be disposed, they met the definition of RCRA ignitable waste (D001)

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

At the Site, the abandoned containers held RCRA ignitable hazardous waste D001. All RCRA hazardous wastes are CERCLA hazardous substances as defined by Section 101(14) of CERCLA). The abandoned containers by definition constitute a release to the environment and presented a threat of fire and/or explosion.

#### **5. NPL Status**

The Site is neither on nor currently being considered for inclusion on the NPL.

#### **6. Maps, Pictures Other Geographic Representations**

A photograph is included in this memorandum as Attachment 1.

### **B. Other Actions to Date**

#### **1. Previous Actions**

There were no previous actions at the Site.

#### **2. Current Actions**

The removal action is complete, there are no ongoing activities on the Site.

### **C. State and Local Authorities Role**

#### **1. State and Local Actions to Date**

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

#### **2. Potential for Continued State/Local Response**

State and local entities did not have the resources or authority to conduct this removal action and were involved in a consultation role only.

## **III. THREATS TO PUBLIC HEALTH, WELFARE OR THE ENVIRONMENT**

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

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

- (i) *Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;*

Given the amount of butane present, both the house on the property and houses on surrounding properties could be exposed to the threat of a fire or explosion from the butane.

- (iii) *Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;*

The entirety of the drums found at the Site had been illegally abandoned at the property.

- (vi) *Threat of fire or explosion;*

The abandoned cylinders contained ignitable hazardous waste; thus, they presented a risk of fire or explosion.

- (vii) *The availability of other appropriate federal or state mechanisms to respond to the release.*

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

#### **IV. SELECTED REMOVAL ACTION AND ESTIMATED COSTS**

##### **A. Planned Actions**

###### **1. Planned Action Description**

OSC Peronard and three ERRS team members over-packed the abandoned chemicals and transported them to a temporary storage facility (ACT Environmental Services) on April 6, 2016. On April 16, 2016, the butane was shipped to the Zippo Lighter Company for reuse in the manufacture of lighters.

###### **2. Contribution to Remedial Performance**

No further federal action is anticipated at this time.

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

An EE/CA is not required for an emergency response.

#### 4. Applicable or Relevant and Appropriate Requirements (ARARs)

Because this action is a classic emergency all federal and state ARARs have not been identified. Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted.

#### 5. Project Schedule

This emergency removal action is complete.

#### B. Estimated Costs

##### **Extramural Regional Allowance Costs:**

ERRS	\$5,000
START	\$ 00
Total Cleanup Contractor Costs	\$5,000
<b>Removal Project Ceiling</b>	<b>\$5,000</b>

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

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

A delay in action or no action at this Site would have increased the actual or potential threats to the public health and/or the environment.

#### VI. ENFORCEMENT

An investigation to evaluate potential enforcement options will be undertaken. A separate Enforcement Addendum will be prepared if appropriate providing a confidential summary of potential enforcement activities.

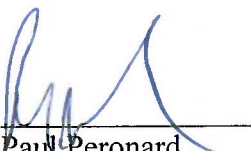
#### VII. OUTSTANDING POLICY ISSUES

None

## VII. APPROVALS

This decision document represents the selected removal action for the Bailey Hash Oil Site, located in Bailey, Park County, Colorado, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site met the NCP section 300.415 (b) criteria for a removal action and through this document I am approving the proposed removal actions. The total project ceiling is \$5,000; this amount was funded from the Regional removal allowance.

  
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Paul Peronard  
On-Scene Coordinator

ORC 4/20/16  
12/12/2017  
\_\_\_\_\_  
Date

### Attachments:

Attachment 1 – Photograph

Abandoned Butane Containers in Barn

