

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
EMERGENCY ACTION MEMORANDUM**

**DATE:** May 16, 2018

**SUBJECT:** Action Memorandum for an Emergency Response Removal Action at the Bingham Street Drum Site pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104

**FROM:** Chuck Berry, OSC  
Emergency Response, Removal, and Prevention Branch

**THRU:** James Webster, Chief  
Emergency Response, Removal, and Prevention Branch

**TO:** Regional Emergency Operations Center, 4SD-ERRPB  
Kentucky Department for Environmental Protection  
Site File

**I. PURPOSE**

The purpose of this memorandum is to document the decision to initiate emergency response actions described herein for the Adair County Drum Site (the Site) located in Columbia, Adair County, Kentucky, pursuant to the On-Scene Coordinator's (OSC) delegated authority under CERCLA Section 104 and Regional Delegation 14-2.

**II. SITE INFORMATION**

**A. Site Description**

**Site Name:** Adair County Drum  
**Superfund Site ID (SSID):** C447  
**NRC Case Number:** 1212471  
**CERCLIS Number:** KYN000406636  
**Site Location:** Green Hills Road, Columbia, Adair County, Kentucky  
**Lat/Long:** 37.094571°, -85.284037°  
**Potentially Responsible Party (PRP):** Mr. Wendell Rainwater  
**NPL Status:** No  
**Removal Start Date:** May 16, 2017

## **B. Site Background**

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

On May 16, 2018, the Kentucky Department for Environmental Protection (KDEP) requested EPA assistance with the removal of over 20 drums of unknown substances on private property in Columbia, Adair County, Kentucky. The property owner claims the drums were dumped on the property sometime over 2 decades ago. KDEP initially requested the property owner sample the drums, and the results of that sampling indicated hazardous substances (barium, cadmium, chromium, lead, acetone, ethylbenzene, toluene, and xylene) were present in amounts that may make the material hazardous waste. The flashpoint of at least one sample was found to be below 140°, the regulatory limit for the ignitibility characteristic of hazardous waste. The property owner indicated he could not pay for disposal of the drums.

### **2. Physical Location and Site Characteristics**

The site is a parcel of farm property directly adjacent to residential property. There is no address for the parcel. The physical location where the drums were abandoned is 37.094571°, -85.284037°.

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

The exact contents of the drum are unknown. However, previous sampling indicate that they may contain flammable and/or toxic liquids.

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

### **A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants**

The drums are directly adjacent to a residential neighborhood, and there is unfettered access to the drums.

Some of the material has already leaked from the drums, and there is visible staining on the soil.

In consideration of these factors, the OSC elected to initiate an emergency response to assess the contents of the drums, secure the drums in a safe staging area, dispose of the drums, and document the release of hazardous substances or pollutants or contaminants to the environment.

### **B. Applicable factors which were considered in determining the appropriateness of a removal action (40 CFR 300.415)**

*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***

The contents of the drums may include volatile and combustible and/or flammable materials. The drums are actively leaking. Human exposure to the released material's vapors occurs when residents walk past the abandoned drums.

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

Previous sampling of the drums indicates they contain hazardous substances (barium, cadmium, chromium, lead, acetone, ethylbenzene, toluene, and xylene). The flashpoint of at least one sample was found to be below 140°, the regulatory limit for the ignitibility characteristic of hazardous waste (all hazardous wastes are hazardous substances). The drums are in poor condition, already leaking through pinholes in the metal, and several are fallen over and leaking onto the ground. The drums present an attractive nuisance for neighborhood residents, especially children.

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

The property owner was given an opportunity to perform a removal action, but indicated he has no financial capacity to perform the required action. Conditions at the site exceed the local and state resource capabilities. At this time, there are no State mechanisms that are able to respond to this incident with the resources needed to assume the cleanup. KDEP remains in coordination with ERRPB during the cleanup.

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

##### **A. Situation and Removal Activities to Date**

###### **1. Current Situation**

The drums are sitting abandoned within 100 feet of residences. The property owner indicated he cannot perform the required removal action.

###### **2. Removal Activities to Date**

###### **a. Federal Government/Private Party**

No removal actions by the Federal Government or private parties were undertaken prior to initiation of this action. The property owner has collected samples indicating disposal of the material may be complex.

###### **b. State/Local**

KDEP has coordinated with the property owner and requested EPA involvement in the matter.

### **3. Enforcement**

The property owner was given a chance to perform a removal action and, advised of his obligations under CERCLA through the issuance of a Notice of Federal Interest. He indicated he cannot financially provide for a response and signed an access agreement for EPA to enter the property and remove the drums.

## **B. Planned Removal Actions**

### **1. Proposed Action Description**

Anticipated removal activities for the Site are expected to include, but will not be limited to, the following:

- a. Sample the contents of the drums.
- b. Remove any impacted soil and debris.
- c. Overpack the drums for transportation.
- d. Transport the drums to a secure location to await disposal.
- e. Analyze the samples.
- f. Contract for disposal.
- g. Arrange for shipment to the disposal facility.

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

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the Site.

### **3. Applicable or Relevant and Appropriate Requirements (ARARs)**

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.

The Federal ARARs identified for the site include:

- a. RCRA Land Disposal Restrictions
- b. RCRA Treatment, Storage and Disposal
- c. DOT Transportation Regulations
- d. DOT Hazardous Materials Regulations

The State has not provided any ARARs.

### **4. Project Schedule**

The removal action is anticipated to be completed within 2 months of the Start Date listed in Section II of this document.

### C. Estimated Costs<sup>2</sup>

Contractor costs (ERRS)	\$200,000
Contractor costs (START)	\$50,000
<u>Other Extramural costs</u>	<u>\$ 0</u>
<b>Total Removal Project Ceiling</b>	<b>\$250,000 <sup>1</sup></b>

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

A delay in action or no action at this Site would increase the actual or potential threats to the public health and/or environment from the uncontrolled release of hazardous substances.

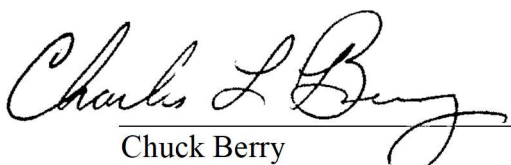
### VI. OUTSTANDING POLICY ISSUES

None.

### VII. APPROVALS

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and not inconsistent with the National Contingency Plan. This decision is based on the administrative record for the site.

Conditions at the site meet the NCP section 300.415(b) criteria for a removal, and through this document I am approving the proposed removal actions under Regional Delegation 14-2. The total project ceiling is \$250,000 which is funded from the Regional Removal Allowance.

  
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Chuck Berry  
Federal On-Scene Coordinator

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May16, 2017  
Date

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<sup>1</sup> 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.