



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

FEB 11 2019

ACTION MEMORANDUM

SUBJECT: Request for a Time-Critical Removal Action at the Good Hope Road Drum Site, Franklin County, Berger, Missouri

FROM: J. Heath Smith, On-Scene Coordinator
Response and Removal South Section

THRU: Adam Ruiz, Chief
Response and Removal South Section
Kenneth S. Buchholz, Chief
Assessment Emergency Response and Removal Branch

TO: Mary P. Peterson, Director
Superfund Division

PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed removal action at Good Hope Road Drum site, or Site, located at 3285 Good Hope Road in rural Berger, Franklin County, Missouri. On September 6, 2018, the Missouri Department of Natural Resources, or MDNR, formally requested the U.S. Environmental Protection Agency to evaluate a removal action to address 86 drums at 3285 Good Hope Road in rural Berger, Missouri. Subsequent field screening and laboratory analyses of samples collected from drums at the Site identified the presence of hazardous substances as defined by the Comprehensive Environmental Response, Compensation and Liability Act, or CERCLA. Through the action proposed, the EPA will secure, stabilize and remove hazardous substances from bulk storage containers at the Site. The proposed action will eliminate the threat to human health and the environment that exists at the Site.

SITE CONDITIONS AND BACKGROUND

Site Name:	Good Hope Road Drums
Superfund Site ID (SSID):	B7G7
NRC Case Number:	N/A
CERCLIS Number:	MON000706668
Site Location:	Berger, Franklin County, Missouri
Lat./Long.:	38.582503, -91.349125
Potentially Responsible Party:	PRP search on-going
NPL Status:	Non-NPL
Removal Category:	Time-Critical
Nationally Significant:	No



A. Site Description

1. Removal site evaluation

Responding to a citizen complaint of numerous abandoned drums, MDNR's Hazardous Waste Program personnel conducted a reconnaissance on April 17, 2018, of the property at 3285 Good Hope Road in rural Berger, Missouri. MDNR identified approximately 86 55-gallon drums; on September 6, 2018, MDNR referred the Good Hope Road Drum site to the EPA.

On September 19, 2018, EPA personnel met with the property owner, who stated that the drums were present prior to his ownership of the property, dating back at least 50 years. The EPA returned to the site on October 17, 2018, and conducted an inventory of the drums, their current condition, and content phase. Many of the drums were found to be toppled over, dented, rusted through, and leaking solid precipitate. Due to apparent weathering, legible drum labeling was infrequently observed (see Attachment A).

On November 6 and 7, 2018, the EPA conducted hazardous material categorization of each drum. Additionally, a representative surface soil sample was collected from aliquots throughout the area in which drums were present. Field screening and laboratory results confirm that CERCLA hazardous substances and wastes meeting the Resource Conservation and Recovery Act, or RCRA, hazardous waste characteristic for ignitability are present at the Site.

2. Physical location

The Site is an approximately 21-acre agricultural/residential property at 3825 Good Hope Road in rural Berger, Franklin County, Missouri. The drums are in a 0.25-acre area at the northwest corner of the property, along a wooded hillside that slopes from north to south. The Site is located 6.5 miles south of Berger (T44N, R4W, Section 11), and is bounded to the north, east, and west by agricultural and residential properties. Good Hope Road bounds the property to the south (see Attachment B). Coordinates for the approximate center of the drum area are latitude 38.582503N, longitude -91.349125W.

3. Site characteristics

Elevations of the property range from 625 to 677 feet above mean sea level, with the lowest elevations representing an intermittent stream channel (see Attachment B). The intermittent stream channel is an unnamed tributary to Big Berger Creek. According to U.S. Department of Agriculture's soil survey of Franklin County, Missouri, the Site lies within the Salem Plateau physiographic region, which features highly dissected land as a result of many streams and hallows. Soils at the Site are predominantly silty loams that slope from 3 to 15 percent, per the USDA's Natural Resources Conservation Service web soil survey website. The Site was identified within U.S. Fish and Wildlife Service-listed critical habitat for the endangered Indiana bat (*Myotis sodalist*). National Oceanic and Atmospheric Administration, or NOAA, data collected for Franklin County identified average annual high and low temperatures of 68.1 and 44.4 degrees Fahrenheit, respectively. Annual rainfall precipitation averages 42.52 inches. Prevailing wind direction varies seasonally, with winds blowing from the south/southeast during spring and summer months and from the west/northwest during winter months.

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

A hazardous substance release is occurring at the Site. Unsecured drums have been identified to contain hazardous substances as defined by CERCLA. Specifically, ignitable waste as defined by 40 Code of Federal Regulations, or C.F.R. § 261.21 and wastes listed in 40 C.F.R. § 302.4. Listed hazardous substances identified in laboratory analysis primarily consisted of methylated mineral spirit constituents including 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, butylbenzene, naphthalene, and n-propylbenzene. Benzene, toluene, ethylbenzene, and total xylenes and lead were also present in drum samples collected from the site. Additionally, all six representative drum samples analyzed for flashpoint yielded results less than 140 degrees Fahrenheit, therefore, meeting the definition of a RCRA ignitable hazardous waste. It is estimated that approximately 2,100 gallons of hazardous material is present in drums at the Site. Contents have escaped from on-site drums and staining on the ground beneath the drums has been observed. Contaminants have the potential to migrate off the Site via surface storm water infiltration.

5. National Priority List (NPL) Status

The Site is currently not on the National Priorities List.

6. Maps, pictures, and other graphic representations

A photographic log of site conditions is provided as Attachment A. Maps depicting the Site's location and aerial characteristics are provided as Attachment B.

B. Other Actions to Date

1. Previous actions

MDNR inventoried drums at the Site in April of 2018 and subsequently issued a Request for Federal Assistance to the EPA in September of 2018.

2. Current actions

All drums have been in their current location for an extended period and have significantly deteriorated. Many of the drums were found to be leaking. The Site is partially secured by barbed wire fencing and is mostly concealed by timber and brush; however, the drums are exposed to ambient, weather-related conditions. No current environmental action is taking place.

C. State and Local Authorities' role

1. State and local actions to date

The EPA is coordinating closely with MDNR. The EPA will continue to coordinate with MDNR, other supporting agencies and local officials as the removal action progresses.

2. Potential for continued State/local response

There are no current plans for a State or local response at the Site. On September 6, 2018, MDNR referred the Site to the EPA and recommended action be taken.

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

When the lead agency makes the determination, based on factors listed in 40 C.F.R. § 300.415(b)(2), that there is a threat to public health, welfare or the environment, the lead agency may take any appropriate removal action to abate, prevent, minimize, stabilize, mitigate or eliminate the release or threat of release. The factors in 40 C.F.R. § 300.415(b)(2) that apply to the Site are:

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.

As noted previously, 86 55-gallon drums containing hazardous substances are present at the Site. During the Removal Site Evaluation reconnaissance sampling events, the drums containing hazardous substances were observed to be accessible to the public and unsecured. In addition, the drums and containers were found to be unmanaged, deteriorating and in some cases leaking.

300.415(b)(2)(v) – Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.

According to interviews with the property owner, the drums have been in their current, exterior location for approximately 50 years. Consistent and prolonged exposure to the elements has compromised the integrity of many of the drums and has resulted in escaping contents from some of the drums. If action is not taken, weather conditions will cause additional materials to be released and to migrate off site.

300.415(b)(2)(vi) – Threat of fire or explosion.

Drums at the Site are exposed, unmanaged and unsecured. Several 55-gallon drums at the Site were observed to release pressurized gasses during sampling. In addition, the drums are exposed to outdoor conditions. The Site's challenging terrain and rural location would inhibit response efforts in the event of a fire. The Site is not actively managed or operated and is overgrown with vegetation.

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

On September 6, 2018, MDNR submitted a request for federal assistance asking the EPA to initiate a response action at the Site.

IV. ENDANGERMENT DETERMINATION

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

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

It is anticipated that the EPA will characterize, bulk, overpack, and dispose of wastes found on site. The EPA will sample potentially impacted soils and will conduct excavation and disposal as necessary.

2. Contribution to remedial performance

No remedial action is anticipated; however, the fund-lead actions proposed in this Action Memorandum should not impede any future remedial plans or other responses.

3. Applicable or Relevant and Appropriate Requirements (ARARs)

Section 300.415(j) of the National Contingency Plan, or NCP, provides that fund-financed removal actions under section 104 and removal actions pursuant to CERCLA section 106 shall, to the extent practicable considering the exigencies of the situation, attain ARARs under federal environmental or state environmental facility siting laws. The following ARARs have been identified for this action:

Federal

- Occupational Safety and Health Act Standards at 29 C.F.R. Part 1910 will be applicable to all actions.
- CERCLA, 42 U.S.C. § 9601 et seq.
- Safe Drinking Water Act, 42 U.S.C. § 300f et seq.
- Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq., including:
 - 40 C.F.R. Part 258, et seq., Subtitle D
 - 40 C.F.R. Part 260, et seq., Subtitle C
 - 40 C.F.R. Part 261, et seq., Identification and Listing of Hazardous Waste
 - 40 C.F.R. Part 262, et seq., Standards Applicable to Generators of Hazardous Waste
 - 40 C.F.R. Part 263, et seq., Standards Applicable to Transporters of Hazardous Waste
 - 40 C.F.R. Part 268, et seq., Land Disposal Restrictions
 - 42 U.S.C. § 6941 et seq., State or Regional Solid Waste Plans
- Clean Air Act, 42 U.S.C. § 7401 et seq., including 40 C.F.R. Part 50, the National Ambient Air Quality Standards
- Clean Water Act, 33 U.S.C. § 26, including 40 C.F.R. § 122.49, the National Pollution Discharge Elimination System
- Endangered Species Act, 16 U.S.C. § 1531 et seq.
- National Historic Preservation Act, 16 U.S.C. § 470 et seq.

State

A letter requesting that the state identify ARARs for this Site was sent on January 31, 2019. When received, these ARARs will be evaluated per the EPA guidance on consideration of ARARs

during removal actions. To qualify as ARARs, these requirements must be: (1) promulgated; (2) identified by the state within the time period specified in the letter; and (3) more stringent than federal requirements.

4. Project Schedule

Response activities are anticipated to begin following the authorization provided by this Action Memorandum.

B. Estimated Costs

The estimated costs associated with this removal action are as follows:

Extramural Costs:

Removal Costs	\$117,500
Contingency (20% of removal costs)	<u>23,500</u>
Removal Ceiling	\$141,000

The EPA direct and indirect costs, although cost recoverable, do not count toward the total removal project ceiling for this removal action. Refer to the enforcement section for a breakout of these costs.

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

Delayed action will result in the spread of contamination from deteriorated, unsecured and unmanaged bulk containers of hazardous substances, increasing public health risk to the adjacent populations.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

A potentially responsible party investigation is ongoing. See the Confidential Enforcement Addendum for this Site. For NCP consistency purposes, it is not a part of this Action Memorandum.

The total EPA costs for this removal action, based on full cost-accounting practices are estimated to be:

Direct Extramural Costs	\$141,000
Direct Intramural Costs	66,000
EPA Indirect (40.93% of all costs)	<u>84,725</u>
Total Project Costs	\$291,725

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 Good Hope Road Drum Site in rural Berger, Missouri, 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 meet the NCP criteria for a removal action, as set forth in 40 C.F.R. § 300.415(b), and I recommend your approval of the proposed removal action. The removal project ceiling, if approved, will be \$141,000. This amount comes from the Regional Removal Advice of Allowance.

Approved:

Mary P. Peterson
Mary P. Peterson, Director
Superfund Division

2/11/2019
Date

Attachments:

- Attachment A – Photographic Log
- Attachment B – Figures

ATTACHMENT A – Photographic Log



DIRECTION: W	DESCRIPTION	Drums exposed to elements	1
	PHOTOGRAPHER	Kirk Mammoliti	DATE: 10/17/2018



DIRECTION: E	DESCRIPTION	Condition of drums	2
	PHOTOGRAPHER	Kirk Mammoliti	DATE: 9/19/2018



DIRECTION: NA	DESCRIPTION	Drums leaking contents	3
	PHOTOGRAPHER	Kirk Mammoliti	DATE: 9/19/2018



DIRECTION: NA	DESCRIPTION	Tree growth around drum	4
	PHOTOGRAPHER	Kirk Mammoliti	DATE: 9/19/2018



DIRECTION: NA	DESCRIPTION	Deteriorated labeling	5
	PHOTOGRAPHER	Kirk Mammoliti	DATE: 10/17/2018



DIRECTION: N	DESCRIPTION	Deteriorated labeling	6
	PHOTOGRAPHER	Kirk Mammoliti	DATE: 9/19/2018



DIRECTION: W	DESCRIPTION	EPA sampling drums	7
	PHOTOGRAPHER	Kirk Mammoliti	DATE: 11/6/2018

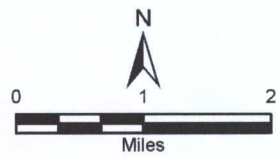


DIRECTION: NA	DESCRIPTION	Characteristic contents of drums	8
	PHOTOGRAPHER	Kirk Mammoliti	DATE: 11/6/2018

ATTACHMENT B – Figures



C:\Users\kmmahm\OneDrive\Desktop\KMM\GIS\SiteWork\Good Hope\mxd\Site location.mxd



Good Hope Road Drum Site
Berger, Missouri

Figure 1
Site Location Map



Source: USGS Dissen, MO 7.5-Minute Topo Quad, 1973

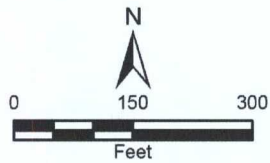
Date: 10/10/2018

Drawn By: Kirk Mammatt



Legend

- Approximate property boundary
- Area containing drums



Good Hope Road Drum Site
Berger, Missouri

Figure 2
Site Aerial Map



C:\Users\kmmammoth\Desktop\KMM\GIS\SiteWork\Good Hope\map\Boundary.mxd

Source: The source of this map image is ESRI, used by EPA with ESRI's permission.

Date: 10/10/2018

Drawn By: Kirk Mammoth