



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

AUG 02 2019

ACTION MEMORANDUM

SUBJECT: Request for a Time-Critical Removal Action at the B & T Metals Site,
1855 3rd Street, Gering, Nebraska

FROM: Kirk Mammoliti, On Scene Coordinator
Response, Removal and Oil Planning Section

THRU: Adam Ruiz, Chief
Response, Removal and Oil Planning Section
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Assessment, Emergency Response and Removal Branch

TO: Mary P. Peterson, Director
Superfund and Emergency Management Division

Site ID#: B7H6

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed removal action at B & T Metals site, herein referred to as the site, located at 1855 3rd Street in Gering, Scotts Bluff County, Nebraska. The U.S. Environmental Protection Agency Removal Assessment was initiated on May 14, 2019, when the Nebraska Department of Environmental Quality¹ formally requested the EPA to evaluate a removal action at a former scrap yard at 1855 3rd Street in Gering, Nebraska. Numerous environmental assessments, conducted at the site on behalf of the City of Gering, have identified lead-contaminated surface soils across the site. Contamination at the site may have migrated to a nearby residential neighborhood; therefore, further assessment will be conducted to determine if contamination has, in fact, impacted residential yards. Through the action proposed, the EPA will remove lead-contaminated surface soils and/or wastes from properties where a composite sample exceeds a concentration of 400 milligrams per kilogram, or mg/kg, at the site. Pending further assessment, this action will also address up to eight neighboring residential properties. The proposed action will eliminate the threat to human health and the environment that exists at the site.

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Superfund

¹ Effective July 1, 2019, the Nebraska Department of Environmental Quality was renamed the Nebraska Department of Environment and Energy, NDEE. This memorandum uses the abbreviation NDEE throughout.



II. SITE CONDITIONS AND BACKGROUND

Site Name:	B&T Metals
Superfund Site ID (SSID):	B7H6
NRC Case Number:	N/A
CERCLIS Number:	NEN000710213
Site Location:	Gering, Scotts Bluff County, Nebraska
Lat./Long.:	41.827546, -103.649884
Potentially Responsible Party:	PRP search is on-going
NPL Status:	Non-NPL
Removal Category:	Time-Critical
Nationally Significant:	No

A. Site Description

1. Removal site evaluation

The City of Gering, Nebraska, as part of a local Brownfields coalition, initiated environmental site assessments, or ESAs, at the site beginning in May 2015. The initial Phase I ESA identified the site as B&T Metals located at 1855 3rd Street in Gering, Nebraska. Based on historical information review, the site was operated as a scrap yard for at least 60 years and included a battery recycling operation for at least 28 years. Other operations involved automobile scrapping and metal salvage. The operators also accepted materials including aluminum cans, white goods, copper wiring, and empty steel drums. Operations at the site ceased in 2015 when the business moved to a new location. Observations during site reconnaissance identified a few remaining scrap materials, stained soils, and approximately five half-full 55-gallon drums with unknown contents.

Three Phase II ESAs were conducted in 2016, 2017 and 2018 to address recognized environmental conditions, or RECs, identified at the site as a result of historical site activity. Using a direct-push technology, or DPT, and hand auger methods, soils (up to 48-inches below ground surface) were evaluated for the presence of volatile organic compounds, or VOCs; polynuclear aromatic hydrocarbons, or PAHs; polychlorinated biphenyls, or PCBs; and metals regulated by the Resource Conservation and Recovery Act, or RCRA. The site was divided into unique sampling areas that include four scrap areas, a battery storage area, and a railroad track area in which both composite and discrete samples were collected (see Attachment A). Discrete DPT samples were collected from the 0 to 2 feet below ground surface, or bgs, and composite samples were collected from 0 to 1-inch bgs. Composite samples were also collected from soil piles created at the site during routine vegetation management (see Attachment A).

The initial Phase II ESA conducted in October 2016 included 10 discrete samples collected from DPT borings throughout the site and six composite samples collected from the unique sampling areas. The assessment yielded analytical data showing that shallow soils across the site were contaminated with levels of lead (up to 14,600 milligrams per kilogram, or mg/kg) that significantly exceed the

EPA-established removal management level, or RML, of 400 mg/kg for residential soil. Supplemental Phase II ESA addendums were conducted in August/September 2017 and June 2018 to further characterize and delineate the previously identified lead contamination in surface soils at the site. These assessments focused on the areas near the discrete boring GP-10, scrap area #3, the concrete battery storage area, and the railroad track area (see Attachment A). During these assessments, soil piles were encountered that had been created during vegetation management activities. A composite sample was collected from each of these three piles. Additionally, all soil samples were screened using an x-ray fluorescence, or XRF, unit to determine lead concentrations for strategic laboratory sample submittal. Fifty-three discrete samples and three composite samples (collected from each soil pile) were submitted for laboratory analysis of lead during these supplemental assessments. Ten additional composite samples were analyzed for lead toxicity characteristic leaching procedure, or TCLP, analysis. Based on the XRF screening data and laboratory analysis, lead contamination was generally found above the EPA RML for residential soil (i.e., 400 mg/kg) in soil from 0 to 6 inches bgs across all sampled areas and in each soil pile. The highest lead concentrations were found at the concrete battery storage area (up to 18,800 mg/kg), where residential RML exceedances were also seen up to 24-inches bgs. All composite samples analyzed for TCLP lead, except for those collected near the discrete boring GP-10, exceeded the EPA maximum concentration of 5 milligrams per liter, or mg/L.

The table presented below provides a summary of average lead concentrations at each unique sampling area generated from laboratory analytical data. Attachment A of this Action Memorandum provides figures depicting unique sampling areas established during the assessments completed at the site.

Summary of Average Lead Concentrations in Soils B&T Metals Site, Gering, Nebraska

Sampling Area ID	Depth (inches)	Average Lead Concentration (milligrams per kilogram)
Area near GP-10	0-6	1,088
Scrap Area #1	0-12	673
Scrap Area #2	0-12	520
Scrap Area #3	0-12	4,292
Scrap Area #4	0-12	689
Battery Storage Area	0-24	4,423
Railroad Tracks Area	0-12	1,039
North Soil Pile	Not applicable	1,160
East Soil Pile	Not applicable	8,970
South Soil Pile	Not applicable	2,110

On May 14, 2019, the NDEE requested the EPA provide further evaluation into following types of action: 1) complete any additional investigation needed to define the nature and extent of lead contamination, 2) removal or stabilization of "soil with elevated concentrations of lead," and 3) capping of remainder of site where lead in soil exceeds either industrial, with institutional controls, or residential direct contact standards.

To date, no sampling has been conducted to determine if contamination from historical site activities has migrated to soils beyond the property boundaries, particularly, at residential properties to the north. As part of this removal action, it is anticipated that the EPA will conduct additional soil sampling at adjacent residential properties to determine if off-site impacts have occurred. Residential sampling will be conducted consistent with the *Superfund Lead-Contaminated Residential Sites Handbook* (Office of Solid Waste and Emergency Response [OSWER] 9285.7-50A, August 22, 2003).

2. Physical location

The site is an approximately 1.63-acre commercial/industrial property at 1855 3rd Street in Gering, Scotts Bluff County, Nebraska (see Attachment A). The site land area consists of both privately owned property (1.15 acres) as well as encroachment onto the City of Gering's right-of-way (0.48-acre) (see Attachment A). The site is located 0.5 miles northeast of downtown Gering (T21N, R55W, Section 1). It is bounded to the north by residential properties; to the east by agricultural and commercial properties; to the south and west by a Union Pacific railroad corridor; and, to the west by agricultural and residential properties (see Attachment A). Coordinates for the approximate center of the site are latitude 41.827546N, longitude -103.649884W.

3. Site characteristics

The site is developed with two storage buildings, a concrete paved parking area, and a concrete pad. As previously mentioned, the site is currently vacant having previously been operated as a metal scrap yard that requires routine vegetation management. The site elevation is approximately 3,900 feet above mean sea level with a topographic gradient that slopes gently to the northeast (see Attachment A). The North Platte River lies approximately 1 mile north of the site. According to U.S. Department of Agriculture's, or USDA's, soil survey of Scotts Bluff County, Nebraska, the site lies within the central portion of the High Plains physiographic region, which features wide river valleys, bottom lands, well-formed terraces, and adjacent foot slopes. Soils at the site are predominantly silty loams that slope from 0 to 6 percent, per the USDA's Natural Resources Conservation Service web soil survey website. The site was not included within or near any U.S. Fish and Wildlife Service-listed critical habitats. National Oceanic and Atmospheric Administration data collected for Scotts Bluff County identified average annual high and low temperatures of 63.6- and 34-degrees Fahrenheit, respectively. Annual rainfall precipitation averages 15.69 inches. Prevailing winds generally blow from the west/northwest.

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 as demonstrated through analytical data collected during numerous environmental assessments. Concentrations of lead are present in surficial soils across much of the entire 1.63-acre site that exceed the EPA's health-based risk standards for residential soil

scenarios. Lead is a hazardous substance as defined in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, and is listed as a hazardous substance in 40 C.F.R. § 302.4. The term “release,” as defined in Section 101(22) of CERCLA, means spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

Due to the nature and extent of lead contamination in surface soils at the site, the potential exists for off-site migration to adjacent residential properties. Prior operations of the site as a scrap yard likely included regular truck traffic that passed through the adjacent residential area. Depending on conditions during operations, the trucks potentially spread the lead contamination through the generation of dust or by materials being tracked out on tires. Surficial soils at the site contain lead at concentrations greater than the 400 mg/kg residential RML as defined in the *Superfund Lead-Contaminated Residential Sites Handbook*. As part of this removal action, up to eight residential properties will be assessed for site-related contamination. The Handbook identifies residential as any area with high accessibility to sensitive populations, and includes properties containing single- and multi-family dwellings, apartment complexes, vacant lots in residential areas, schools, day-care centers, playgrounds, parks, green ways, and other areas where children may be exposed to contaminated media. The Handbook defines sensitive populations as young children (those under the age of seven, who are most vulnerable to lead poisoning) and pregnant women.

Additionally, the five half-full drums of material located at the site have not been characterized and pose the threat of release if not secured, characterized, and properly disposed.

5. National Priority List (NPL) Status

The site is not currently on the National Priorities List.

6. Maps, pictures, and other graphic representations

Maps depicting the site’s location, layout, and aerial characteristics are provided as Attachment A.

B. Other Actions to Date

1. Previous actions

See subparagraph II.A.1 above (Removal Site Evaluation).

2. Current actions

There are no current EPA removal actions occurring at the site or potentially affected properties. The removal assessment activities proposed in this action are designed to determine whether there are additional affected properties and will be

ongoing during this removal action. All additional sampling activities will be conducted in accordance with an EPA-approved Quality Assurance Project Plan.

C. State and Local Authorities' role

1. State and local actions to date

The EPA is coordinating closely with the NDEE. The EPA will continue to coordinate with the NDEE, 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. Neither the state or local response authorities have the funding needed to perform the necessary cleanup activities. As previously mentioned, a Request for Federal Action was submitted by the NDEE to the EPA on May 14, 2019, referring the site to the EPA for response.

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

Previous environmental assessments have determined that lead is present at concentrations that exceed regulatory standards in surface soils at the site. The site is adjacent to a residential neighborhood, and soils at the site have not been stabilized to prevent off-site migration.

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.

Lead is present in surface soils across the site at concentrations that exceed EPA-established standards for residential soils. Due to the presence of a regulated hazardous substance at high concentrations in surface soils, the potential may exist for off-site migration through various processes (e.g., wind, site-related traffic, etc.).

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

As previously stated, contaminant presence in surface soils across the site present significant opportunity for off-site migration via weather (e.g., wind, precipitation runoff).

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

On May 14, 2019, the NDEE submitted a request for federal assistance asking the EPA to initiate a response action at the site. There are no other known federal or state authorities available to respond to site conditions.

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 address lead-contaminated soils at the site through removal or stabilization in such a way that is protective of human health and the environment. If further assessment determines that the reported drums on-site contain hazardous substances, pollutants or contaminants, the EPA will properly dispose of those wastes. Given the proximity of the site to residential areas and other characteristics of the area, it is possible the site will not be used for industrial uses in the future. Future uses could include residential or as greenspace. As such, the proposed action will clean up to levels protective of reasonably anticipated future uses.

This action also proposes surface soil assessment at up to eight residential properties near the site following the *Superfund Lead-Contaminated Residential Sites Handbook* protocols. If it is determined that site-related contamination in surface soils exists at these properties, the EPA will address that contamination as part of this removal action. The removal action also may require post-removal site control measures (e.g., fencing, institutional controls).

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 applicable or relevant and appropriate requirements, or

ARARs, under federal environmental or state environmental facility siting laws. The following ARARs have been identified for this action:

Federal

- 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 August 1, 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	\$917,000
Contingency (20% of removal costs)	<u>183,400</u>
Removal Ceiling	\$1,100,400

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 potentially result in the spread of lead-contaminated soils at the site, 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	\$1,100,400
Direct Intramural Costs	60,000
EPA Indirect (40.93% of all costs)	<u>475,000</u>
Total Project Costs	\$1,635,400

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. The indirect rate is currently 40.93%. The indirect charged to the proposed ceiling increase reflects the current indirect rate.

IX. RECOMMENDATION

This decision document represents the selected removal action for the B&T Metals Site in Gering, Nebraska; 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 \$1,100,400. This amount comes from the Regional Removal Advice of Allowance.

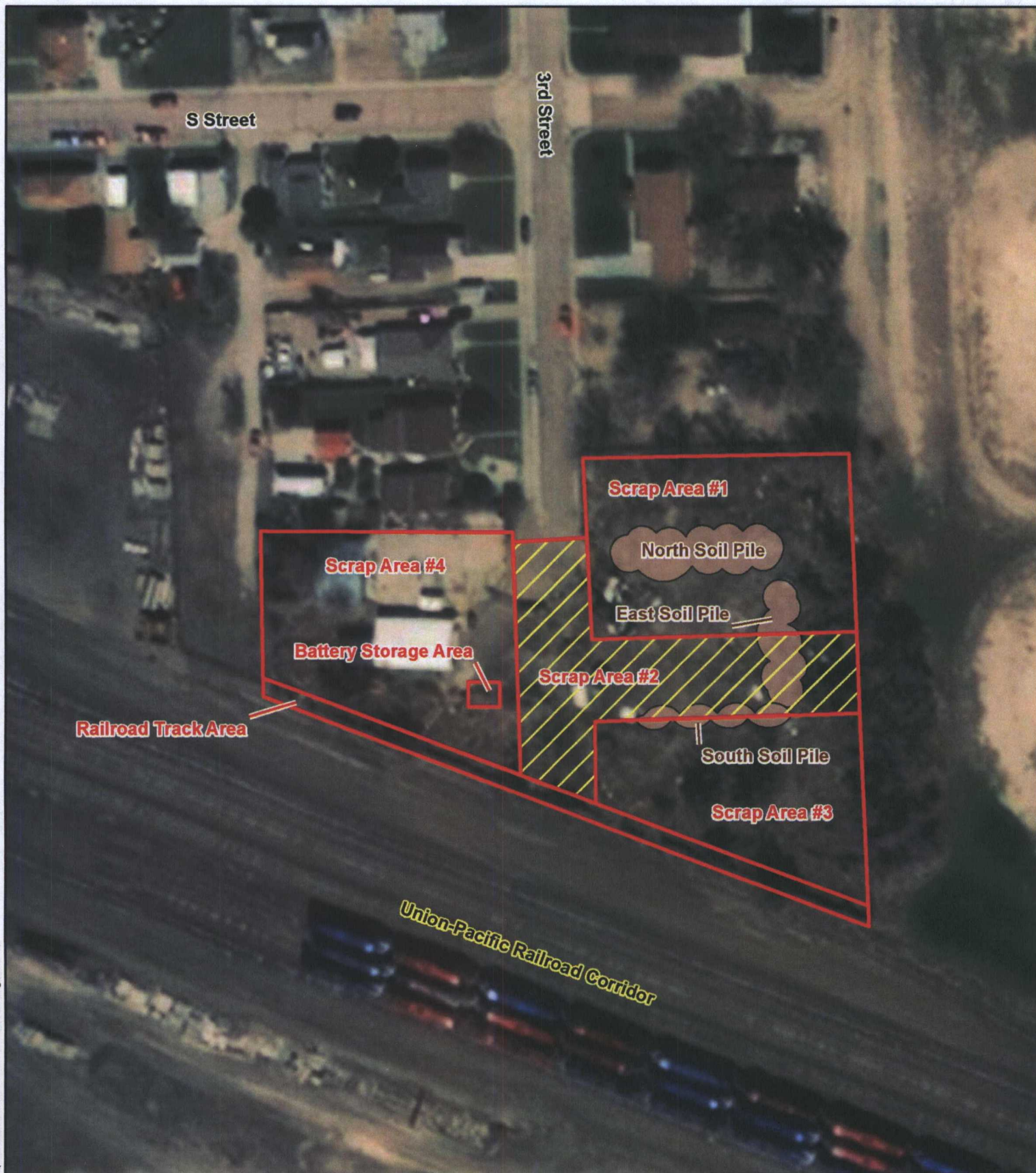
Approved:

Mary P. Peterson
Mary P. Peterson, Director
Superfund and Emergency Management Division

8/2/2019
Date

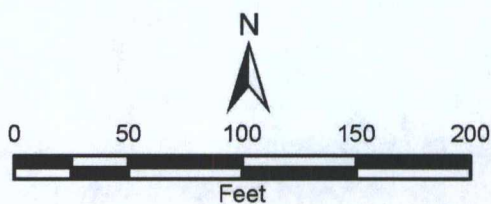
Attachments:
Attachment A – Figures

ATTACHMENT A – FIGURES



Legend

- Approximate soil pile
- City of Gering right-of-way
- Unique sampling area boundary



B&T Metals Site
Gering, Nebraska

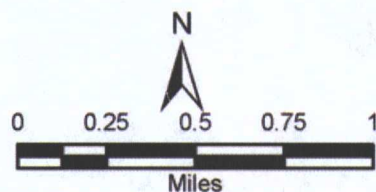
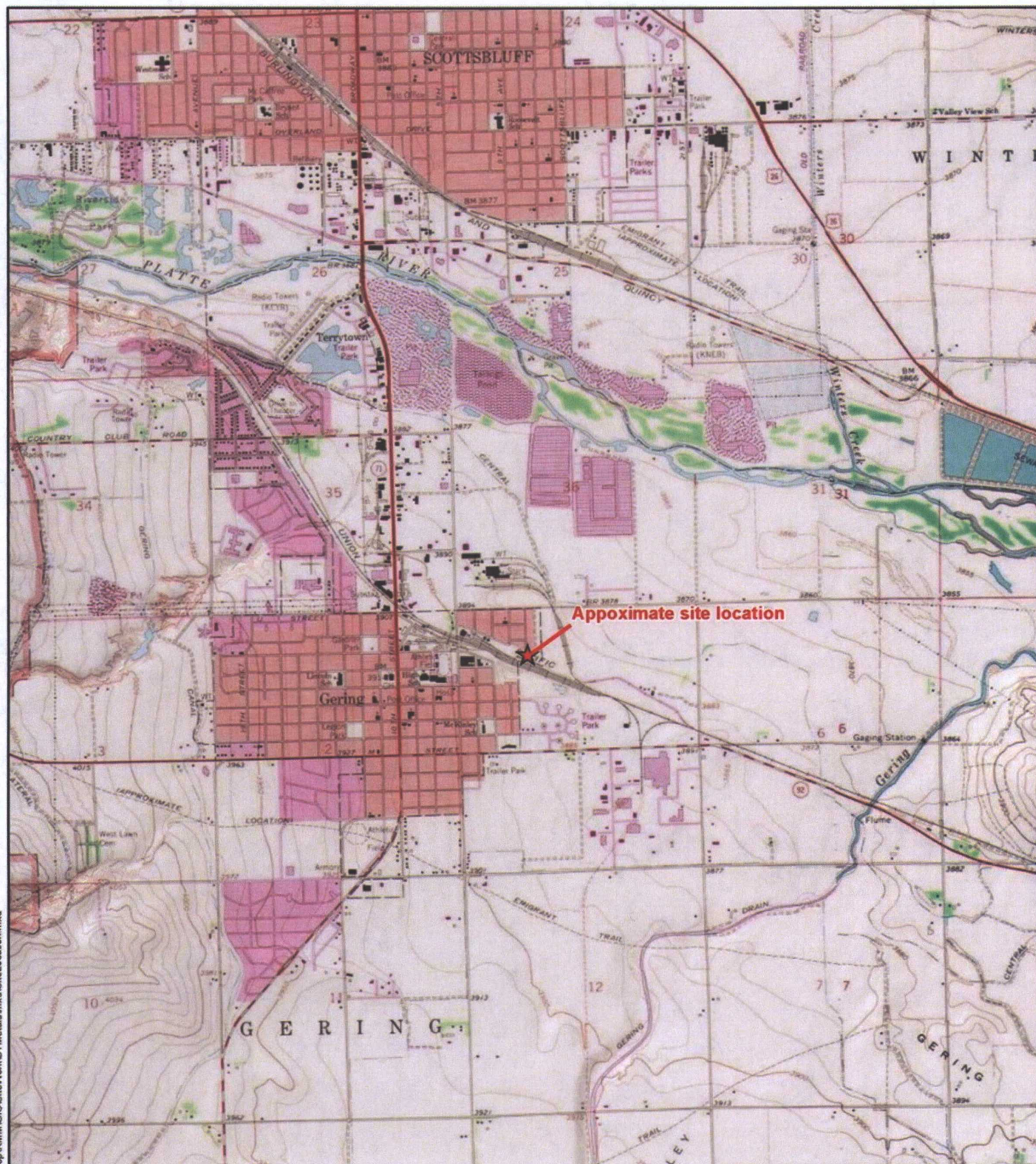
Figure 2
Site Layout Map



Date: 7/2/2019

Drawn By: K. Mammola

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B&T Metals Site
Gering, Nebraska

Figure 1
Site Location Map



Source: USGS Scottsbluff South, NE 7.5-Minute Topo Quad, 1973

Date: 7/2/2019

Drawn By: K. Mammolis