UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Action Memorandum - Request for Removal Action and Exemption from the $2 Million Statutory Limit at the Peck Iron and Metal Site, Portsmouth, Virginia

FROM: Richard Rupert, On-Scene Coordinator
Eastern Removal Response Section (3HS31)

TO: James J. Burke, Director
Hazardous Sites Cleanup Division (3HS00)

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed Time Critical Removal Action and Exemption from the $2 Million Statutory Limit for a Removal Action described herein for the Peck Iron and Metal Site (Site). The Site is located at 3850 Elm Avenue, Portsmouth, Virginia, 23704 (36° 48' 02" North latitude, 76° 18' 16" West longitude) and is further described in Attachment A. The Site is a former scrap metal facility. A response action at this Site is necessary to address threats to human health, welfare and the environment posed by debris, soils and sediments contaminated with polychlorinated biphenyls (PCBs) and lead. The Site is located in a mix of industrial and residential areas and partially bordered by wetlands and Paradise Creek, a tributary to Chesapeake Bay. More highly contaminated debris, soils and sediments will be excavated and disposed of off-site, while remaining debris and soils will be capped with an appropriate cover system.

The OSC has determined that the Site meets the criteria for initiating a Removal Action under Section 300.415 of the National Contingency Plan (NCP) and Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, (CERCLA), 42 U.S.C. § 9604. The actions necessary to abate the threats at this Site are anticipated to require less than 12 months for completion. The anticipated response actions have been estimated to have a project cost exceeding $5.7 million. Accordingly, an exemption from the $2 Million Statutory Limit for a Removal Action is required to complete the proposed action. This exemption is justified based upon a determination that the Site meets the criteria for an emergency exemption from the limit pursuant to Section 104(c)(1)(A) of CERCLA, 42 U.S.C. § 9604(c)(1)(A).

II SITE CONDITIONS AND BACKGROUND

The CERCLIS ID number for the Peck Iron and Metal Site is VAN000306115. Current conditions at the Site necessitate a Time Critical Removal Action. The Site is the location of a former scrap metal facility operated from approximately the 1940s through the 1990s. The Site is situated in a mixed residential and industrial area in the tidewater region of southeastern

Virginia bordered in part by Paradise Creek, a tributary to the Southern Branch of the Elizabeth River and Chesapeake Bay. The Site consists of approximately 33 acres and is located primarily on parcels identified on Attachment A to this Order as Parcels 0386-0020, 0386-0025, 0386-0026, 0386-0027, 0386-0028 and 0386-0029. The Site additionally includes any and all places where contamination from the facility has migrated or otherwise come to be located. The Site's historical usage as a salvage operation resulted in the improper storage and disposal of hazardous substances and the consequent release of these hazardous substances into the environment. Assessments conducted of the Site between 2003 and 2006 by the owner of the properties R.D. Peck (Peck) indicates that concentrations of semi-volatile organic compounds (SVOCs), metals, PCBs, and pesticides in soil and sediment exceed various risk-based screening levels. PCBs and lead are the primary contaminants of concern due to their extreme concentrations at the Site.

A. Site Description

1. Removal Site Evaluation

A removal site evaluation has been completed consistent with 40 C.F.R. § 300.410 and has revealed evidence of the release of hazardous substances at the Site. Contamination at the Site is present in the soils, groundwater and sediments in the wetlands and adjacent shoreline areas. Assessments conducted by the Peck from 2003 through 2005 indicate PCBs are present in the soil at concentrations as high as 3,400 parts per million (ppm (mg/kg)), while lead has been observed at concentrations up to 23,000 ppm. Sediments on the Site in adjacent wetlands and shoreline indicate concentrations of PCBs as high as 17.7 ppm (Ecological Risk Assessment for the Atlantic Wood Industries (AWI) site (Lockheed Martin REAC, 2002) and the U.S. Navy's Ecological Risk Assessment for Paradise Creek (CH2MHill, Baker Environmental, CDM, 2000)).

2. Physical Location

The Site is located in the tidewater region of southeastern Virginia along the Southern Branch of the Elizabeth River and Paradise Creek, near the mouth of Chesapeake Bay. Fisheries and other sensitive environments may be located on, as well as near the Site. The area is located on relatively flat land, approximately nine (9) feet above mean sea level. Surface runoff and shallow groundwater flow from higher Site areas into Paradise Creek and the Southern Branch of the Elizabeth River. The water table is less than four (4) feet below ground surface. Mean tidal range at the Site is approximately three (3) feet (Baker Environmental Inc. 1997). Paradise Creek, a tributary to the Elizabeth River and the Chesapeake Bay, lies adjacent to the Site to the south.

The primary residential area is the Cradock neighborhood, which is listed on both the State Landmarks Register and the National Registry of Historic Places. It borders the Site south of Paradise Creek. Within a half mile of the Site there are over 500 residences and several thousand people. Potential human exposure pathways to hazardous substances from the Site include direct contact by trespassers (the Site is unsecured), the migration and deposition of contaminants via water and air transport, and the consumption of contaminated fish. Lands along the north shore of the Creek are zoned M-2 and are dedicated to heavy industrial use, primarily by the U. S.

Navy. Along the southern shore, there is a mix of industrial and residential zoning. From the mouth of the Creek at the site of Giant Cement Virginia to Victory Boulevard, the land use is zoned M-2 for industry. Upstream of Victory Boulevard, the land use is residential.

Paradise Creek is a distressed urban tributary to the Elizabeth River, draining over 2.9 square miles of the central portion of the City of Portsmouth. Paradise Creek is located in the South Branch of the Elizabeth River, which according to "A Feasibility Study Regarding the Development of a Park, Recreation Area, or Wildlife Area on Paradise Creek, Portsmouth, Virginia" prepared for Governor and General Assembly of Virginia, has the highest priority for clean up and presents a microcosm of the challenges faced in restoration of the Elizabeth River.

The Site is threatened by flooding and hurricane storm surges as shown in the City of Portsmouth, FEMA Hazard Map (http://www.portsmouthva.gov/website/parcel_flood/intro.htm) as shown in Attachment B. As shown on the attached map, approximately half the Site would be inundated during a 100-year flood event, while approximately eighty per cent of the Site would be covered by a storm surge during a Category 2 Hurricane.

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

The PCBs and lead present in the soils, sediment and water on Site are "hazardous substances", as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

Assessments conducted of the Site have documented the presence of various contaminants that may pose human health and ecological hazards; however, PCBs and lead have been identified as the primary contaminants of concern. PCBs are present in concentrations exceeding 3,400 ppm and lead is present in concentrations exceeding 23,000 ppm. Contamination from PCBs and lead are present across the Site. In 2000, the U.S. Navy's Ecological Risk Assessment for Paradise Creek (CH2MHill, Baker Environmental, CDM, 2000) found 17.7 pm of PCBs, in the wetland immediately adjacent to the Peck property drainage channel, indicating probable migration of contaminated soil to Paradise Creek. The shoal sample also contains the highest concentrations of chromium and nickel among all 250 sediment samples from the entire watershed. Levels reported for other metals in this shoal sample, including copper, lead, mercury, silver, and zinc, are also among the highest reported for the watershed. Cadmium and lead in the channel sample are also among the highest levels reported.

Potential human exposure pathways to hazardous substances from the Site include direct contact by trespassers (the Site is unsecured), the migration and deposition of contaminants via water and air transport, and the consumption of contaminated fish.

The National Oceanic and Atmospheric Administration ("NOAA"), is a Trustee for natural resources including Paradise Creek and considers exposures of the magnitude found in Paradise Creek adjacent to the Peck property, which is part of the Site, to present a significant ecological endangerment. In September 2003, in a communication (attached as Attachment C) to EPA, NOAA stated the following regarding contamination on the Peck Site:

These data indicate a significant exposure to biota of Paradise Creek, plus evidence of transport into the food web of this riverine system. It should be noted that recreational fisheries do exist on this river. Thus, these data may reflect a significant vector for human health risk as well. These exposures constitute a high probability of ecological risk to the ecological receptors of Paradise Creek and the Elizabeth River, to the aquatic food chain, and to the habitat. NOAA, in its role as a trustee for natural resources, considers exposures of this magnitude reflective of significant ecological endangerment. This also potentially represents significant natural resource injury liability and the potential for referral to NOAA's Damage Assessment Center for Natural Resource Damage Assessments (NRDA).

Much of the Site is located in the flood plain of the Paradise Creek, Elizabeth River and Chesapeake Bay, and is subject to extensive flooding and erosion during weather events such as tropical storms and hurricanes as noted in paragraph A. 2. above. Erosion has caused hazardous substances, including PCBs and lead, to be released and migrate from the Site into "navigable waters." Further erosion will occur during future storms.

PCBs have been demonstrated to cause a variety of serious health effects. PCBs have been shown to cause cancer and a number of serious non-cancer health effects in animals, including effects on the immune system, reproductive system, nervous system and endocrine system. Studies in humans provide supportive evidence for the potential carcinogenic and non-carcinogenic effects of PCBs. The different health effects of PCBs may be interrelated, as alterations in one system may have significant implications for the other regulatory systems of the body.

Lead is a suspected carcinogen in the lungs and kidneys. Human systemic effects by ingestion and inhalation are loss of appetite, anemia, malaise, insomnia, headache, irritability, muscle and joint pains, tremors, hallucinations, distorted perceptions, muscle weakness, gastritis, and liver changes. Lead also affects the human nervous system, the blood system and the kidneys. Chronic exposure can lead to irreversible vascular sclerosis, tubular cell atrophy, interstitial fibrosis, and glomerular sclerosis. Severe toxicity can cause sterility, spontaneous abortion, and neonatal mortality and morbidity.

4. NPL Status

This Site is not presently on the National Priorities List (NPL).

B. Other Actions To Date

No actions have been taken on the Site other than assessment activities, as detailed above, by Peck and EPA.

C. State and Local Authorities Roles

EPA has worked closely on environmental concerns regarding the Peck facility with Virginia's Department of Environmental Quality (VADEQ) and EPA's role to date has been as a technical advisor to VADEQ's Voluntary Remediation Program ("VRP"). The VRP lacks enforcement provisions, which could lead to an assessment and remediation inconsistent with EPA regulations. Historically, VADEQ has had little success in persuading the owners of the Site to implement response actions. No other State or local authorities have indicated the availability of resources to address the contamination or to conduct a Removal Action in a timely manner at the Site. VADEQ has agreed that EPA should now take the lead in enforcement.

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

Section 300.415 of the NCP (40 CFR 300.415) lists the factors to be considered in determining the appropriateness of a removal action. Paragraphs (b) (2) (i), (ii), (iv), (v) and (vii) of Section 300.415 directly apply as follows to the conditions at the Peck Iron and Metal Site:

A. 40 C.F.R. § 300.415(b) (2) (i) Actual or potential exposure to hazardous substances or pollutants or contaminants by nearby human populations, animals, or food chain.

Access to the Site is not restricted and the public can easily gain access to the most highly contaminated areas of the Site. Additional potential human exposure pathways to contaminants from the Site include the migration and deposition of contaminants via water and air transport, and the consumption of contaminated fish.

Hazardous substances released at and from the Site may bioaccumulate in the food chain. Bioaccumulation poses a threat to migratory birds and potentially to human receptors ingesting aquatic organisms such as fish, shellfish and/or crustaceans in the contaminated environment.

PCBs and lead are present at the Site in concentrations in excess of EPA Regulations and Guidelines requiring their removal. PCBs are present in concentrations exceeding 3,400 ppm and lead is present exceeding 23,000 ppm.

NOAA has determined that hazardous substances, including PCBs and lead, present at the Site, indicate a significant exposure to biota of Paradise Creek, plus evidence of transport into the food web of this riverine system. Additionally, recreational fisheries do exist on Paradise Creek and the Elizabeth River. Thus, these data may reflect a significant vector for human health risk. These exposures constitute a high probability of ecological risk to the ecological receptors of Paradise Creek and the Elizabeth River, to the aquatic food chain, and to the habitat. PCBs and lead are listed as CERCLA hazardous substances at 40 C.F.R. § 302.4.

The level of degradation in Paradise Creek was 92% compared to 52% for the entire Elizabeth River watershed in 2001. Previously this same level of degradation was reported for the

Southern Branch in the 1999 intensive sampling effort (Dauer 2000; Dauer and Llansó 2002). The higher levels of degradation in Paradise Creek were associated with extremely high abundances, low species diversity due to high dominance by a few species, and low levels of biomass and pollution sensitive species compared to the Elizabeth River watershed as a whole. (Benthic Biological Monitoring Program of the Elizabeth River Watershed (2001) With a Study of Paradise Creek, D. M. Dauer; provided as Attachment D.)

B. 40 C.F.R. § 300.415(b) (2) (ii) Actual or potential contamination of drinking water supplies or sensitive ecosystems.

NOAA has determined hazardous substances, including PCBs and lead, present at the Site indicate a significant exposure to biota of Paradise Creek, plus evidence of transport into the food web of this riverine system. These exposures constitute a high probability of ecological risk to the receptors of Paradise Creek, Elizabeth River, Chesapeake Bay, and to the aquatic food chain, and to the habitat. The hazardous substances listed above are known to bioaccumulate in the food chain. Bioaccumulation poses a threat to migratory birds and potentially to human receptors ingesting aquatic organisms such as fish, shellfish and/or crustaceans in the contaminated environment.

Contaminated soil from the Site is prone to erosion and has migrated into the sediment of the Paradise Creek. The contaminated Creek sediment is potential habitat for a variety of ecological receptors, such as fish, shellfish and crustaceans. The concentrations of hazardous substances in the sediment will result in adverse biological effects to exposed ecological receptors such as fish, shellfish and crustaceans, based upon scientific studies conducted by NOAA as detailed in Attachment C and the investigation presented as Attachment D. Lead may bioaccumulate in the exposed organisms, which can result in lead poisoning and entrance into the food chain. The OSC has observed waterfowl (ducks) and fish, which rely on the Site area for habitat.

C. 40 C.F.R. § 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.

Migration of the PCBs and lead contaminated soils to the wetlands, sediments and river is evident. PCBs are present in the soils at shallow depth in concentrations exceeding 3,400 ppm and lead is present exceeding 23,000 ppm. PCBs are eroding and migrating from the property and discharging to Paradise Creek. A sediment sample collected from the banks of Paradise Creek on the Site indicates a total of PCBs at a concentration of 17.7 ppm.

D. 40 C.F.R. § 300.415(b) (2) (v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.

The Site is threatened by flooding and hurricane storm surges as shown in the City of Portsmouth, FEMA Hazard Map as shown in Attachment B. As shown on the attached map, approximately half the Site would be inundated during a 100-year flood event, while approximately eighty per cent of the Site would be covered by a storm surge during a Category 2

Hurricane. The migration and deposition of hazardous substances from the Site via surface runoff, groundwater flow, and aerial deposition during storm events represent potential exposure pathways.

Erosion has caused hazardous substances to be released and migrate from the property and Site into "navigable waters" of the US. Further erosion will occur during future storms.

E. <u>40 C.F.R. § 300.415(b) (2) (vii)</u> The availability of other appropriate Federal or State response mechanisms to respond to the release.

VADEQ's Voluntary Remediation Program (VRP) has been working with the property owner (and/or prospective property owner) to address contamination on a 17-acre parcel of the property, which is a portion of the Site. The VRP lacks enforcement provisions that could provide an assessment and remediation consistent with EPA regulation for this parcel. No other state action to address the contamination for the other portions of the Site is anticipated.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions outlined in this funding request, may present an imminent and substantial endangerment to the public health, welfare, or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

A. <u>Emergency Exemption</u>

1. Immediate risk to public health or welfare or the environment.

There exists an immediate risk to both public health and the environment present at the Peck Iron and Metal Site. Highly contaminated soils with lead and PCBs are exposed to erosion, and contaminated sediments may move freely into Paradise Creek and eventually to the Chesapeake Bay. No fencing or other restriction is present around the Site to restrict access to the public. The Site is over 33 acres in size and may hold more than 150,000 cubic yards of contaminated soils and sediments.

Paradise Creek is a tributary to the Elizabeth River and Chesapeake Bay, which have commercial and recreational fisheries, which are being impacted by PCBs and lead from the Site, as described above in Sections II. A. 3. and III. A., B., C. and D. Unless action is taken immediately, the release of PCBs will increase and further degrade the food web of this riverine system.

2. Continued response actions are immediately required to prevent, limit, or mitigate an emergency.

Migration of the PCBs and lead contaminated soils to the wetlands, sediments and river is ongoing, as well as the potential for contaminant migration to nearby residential areas. Contamination is present near or at the surface with PCBs concentrations exceeding 3,400 ppm and lead concentrations exceeding 23,000 ppm. PCB levels of contaminated sediment along the banks for Paradise Creek are as high as 17.7 ppm. The Site is threatened by flooding and hurricane storm surges as shown in the City of Portsmouth, FEMA Hazard Map as shown in Attachment B. As shown on the attached map, during a 100-year flood event approximately half the Site will be inundated, while approximately eighty per cent of the Site would be covered by a storm surge during a Category 2 Hurricane. Immediate action is also required to mitigate the threat of release and migration of contamination from the property and Site into "navigable waters" of the United States.

3. Assistance will not otherwise be provided on a timely basis.

The Potential Responsible Party (PRP) has attempted to address the contamination at the Site for several years, but may not have the wherewithal or willingness to complete an adequate removal response action: the attached Enforcement Addendum further details the role of the PRP. Neither the VADEQ or other State or Local organizations have the resources to initiate or complete response action at the Peck Iron and Metal Site in the foreseeable future.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS.

A. <u>Proposed Actions</u>

1. Proposed Actions Description.

a. Develop site-specific health and safety measures, including preparation and implementation of a Health and Safety Plan ("HASP") for actions to be performed at the Site, to protect the health and safety of workers, other personnel and the public from the hazardous substances and work-related health and safety hazards during performance of the response action specified herein. The HASP shall provide, as appropriate, for proper decontamination of personnel and equipment, monitoring and control of the migration of hazardous substances during the performance of activities at the Site and protection of public health from exposure to hazardous substances during the conduct of activities at the Site pursuant to this Order. Health and safety requirements in the HASP shall be at least as stringent as those set forth in Occupational Safety and Health Administration and EPA requirements, including but not limited to, requirements contained in 29 C.F.R. § 1910.120 and/or EPA Standard Operating Safety Guides (July 5, 1988).
b. Provide site security sufficient to preclude access by trespassers or by persons not conducting or overseeing the response action.
c. Develop an extent of contamination study using existing and as required, new data detailing contamination present on Site.
d. The extent of contamination study above shall characterize the nature, concentration, extent and depth of, at a minimum, the hazardous substances listed below that are at the Site including, but not limited to, Parcels 0386-0020, 0386-0025, 0386-0026, 0386-0027, 0386-0028 and 0386-0029:

i. Semi-volatile organic compounds as listed in the version "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," (SW-846), Method 8270 (in effect as of the Effective Date of this Order);
ii. Volatile organic compounds as listed in the version SW-846 Method 8260;
iii. Pesticides and total PCBs as Aroclor as listed in the version SW-846 Method 8082;
iv. PCB Congeners EPA Method 1668 or 680; and
v. Dioxins EPA Method 1613.

e. Excavate and remove for disposal off-site, all contaminated soils and debris with concentrations of PCBs exceeding 25 ppm, or concentrations of lead exceeding 1,000 ppm
f. Dredge and remove for disposal off-site, or, with the approval of EPA, cap in-place, contaminated sediments having concentrations of PCBs exceeding 1.0 ppm, or having concentrations of lead exceeding 130 ppm, within 50 feet of the Site shoreline.
g. Develop and implement a Clean-up Verification Sampling and Analysis Plan to assure that contaminated soils, debris and sediments as described in sections (e) and (f) above, have been removed to below the clean-up levels described herein.
h. Fill all excavated areas with clean fill material. Place material in an engineered compaction fashion to prevent subsequent subsidence. Compact fill material to at least 90 percent of the ASTM D1557 maximum dry density.
i. Install shore protection such as riprap, or gabions and coir logs to protect the shoreline of the Site from erosion.
j. Contour Site topography and install, continuously over the Site where concentrations of PCBs exceed 1 ppm, a cap to prevent: 1) direct contact, 2) erosion and 3) migration of hazardous substances.
k. Install and operate a groundwater treatment system as necessary to prevent the migration off-site of hazardous substances exceeding concentrations as listed in the Table of Parameters, found at 9 Virginia Administrative Code (VAC) 25-260-140. In particular, the saltwater chronic concentrations from this table shall be the reference.
l. Install and operate a groundwater-monitoring system to evaluate the effectiveness of this removal action and to detect any potential off-site migration of hazardous substances.
m. Ensure the continued integrity and effectiveness of the controls installed during the Work as set forth in (i), (j) and (k) above, through compliance with the provisions set forth in 40 C.F.R. § 761.61 (a) (8), and coordination with State and local authorities on removal and post-removal activities.

2. Contribution to Remedial Performance.

The proposed Removal Action is not expected to be inconsistent with or hinder any Remedial Actions at the Site; however, no such Remedial activities are currently expected.

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

The proposed Removal Action will comply with, inter alia, the following Applicable or Relevant and Appropriate Requirements (ARARs), to the extent practicable considering the exigencies of the situation:

a) Sediment Quality Guidelines, June, 1999, National Oceanic and Atmospheric Administration (to be considered);

b) Hazard Evaluation Handbook, A Guide to Removals Action, Fourth Edition, October 1997. (to be considered);

c) The following substantive standards of the regulations promulgated pursuant to the Toxic Substances Control Act (15 U.S.C. §§ 2601-2692) referenced below at (d) and (e):

d) 40 C.F.R. § 761.61(a), (b) and (c);

e) 40 C.F.R. § 761.61 (a) (7) and (8);

f) 40 C.F.R. § 264.97;

g) 40 C.F.R. § 264.310;

h) The following substantive standards of the regulations promulgated pursuant to the Federal Water Pollution Control Act, as amended, ("Clean Water Act"), 33 U.S.C. §§ 1251-1387, set forth below at (i) and (j);

i) 40 C.F.R. § 136;

j) 40 C.F.R. §230;

k) Virginia Erosion and Sediment Control Law, Title 10.1, Chapter 5, Article 4, specifically 4 VAC 50-30-40.

4. Project Schedule.

Approximately five (5) months will be required to perform the cleanup actions as described in Section 8.3 above. Actions start immediately upon approval of this memorandum with onsite construction activities starting in November 2006, after the end of the normal hurricane season. Work will be completed prior to next year's expected hurricane season.

B. Estimated Costs

The proposed distribution of funding is as follows:

Extramural Costs:

Regional Removal Allowance Costs:	
ERRS (includes 10% contingency)	$ 5,163,400
Other Extramural Costs Not Funded from the Regional Allowance:	
START (includes contingency)	$ 92,400
CLP	$ 80,000
Total, Removal Action	$ 5,335,800
Project Contingency	$ 400,000
Estimated Project Ceiling:	$ 5,735,800

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

If no action is taken or the action is delayed, the contaminated soil at the Site will continue to pose an imminent and substantial threat to public health, welfare, or to the environment through the continued release of hazardous substances, including PCBs and lead, into the Paradise Creek, the Elizabeth River and Chesapeake Bay.

VIII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues.

IX. ENFORCEMENT

See attached Confidential Enforcement Addendum.

The total EPA costs for this Removal Action based upon full-cost accounting practices that will be eligible for cost recovery, are estimated below as follows[1]:

Direct Extramural Costs:	$ 5,735,800
Direct Intramural Costs:	$ 400,000
Indirect Costs (62.93%):	$ 3,861,259
Estimated EPA Costs for Removal Action:	$ 9,997,059

X. RECOMMENDATION

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

Conditions at the Peck Iron and Metal Site meet the NCP Section 300.415(b) (2) criteria for a removal and the CERCLA section 104(c) emergency exemption from the $2 million limitation, and I recommend your approval of the proposed removal action and $2 million exemption. The total project ceiling, if approved, will be $5,735,800 of which an estimated $ 5,563,400 will be funded from Regional removal allowances. Please indicate your approval or disapproval by signing below.

Action by the Approving Official:

This Action Memorandum represents the selected removal action for the Peck Iron and Metal Site in Portsmouth, Virginia, which was developed in accordance with CERCLA, as amended, and the National Contingency Plan (NCP). The decision is based on the Administrative Record for the Site.

[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.

Pursuant to Section 113(k) of CERCLA, 42 U.S.C. 9613(k) and EPA delegation No. 14-22, I hereby establish the documents identified in Attachment E hereto as the Administrative Record supporting the issuance of this Action Memorandum.

I have reviewed the above-stated facts and based upon those facts and the information compiled in the Administrative Record described above, I hereby determine that the release or threatened release of hazardous substances at and/or from the Site presents or may present an imminent and substantial endangerment to public health, or welfare or to the environment. I concur with the recommended removal action as outlined in the Action Memorandum.

Approved James J Burke Date 10/5/06
James J. Burke, Director
Hazardous Site Cleanup Division

I do not concur with recommended removal action as outlined in the Action Memorandum.

Disapproved _____ Date _____
James J. Burke, Director
Hazardous Site Cleanup Division

Attachments