



REGION 10
SEATTLE, WA 98101

MEMORANDUM

SUBJECT: Request for Concurrence on Proposed Removal Action Exceeding \$6 Million – J.H. Baxter Site, Eugene, OR

FROM: Calvin Terada, Director
Superfund and Emergency Management Division, Region 10

THROUGH: Beth Sheldrake, Manager
Emergency Management Branch

TO: Barry N. Breen, Principal Deputy Assistant Administrator
Office of Land and Emergency Management

CALVIN TERADA
Digitally signed by CALVIN TERADA
Date: 2024.03.26 14:51:06 -07'00'

BETH SHELDRAKE
Digitally signed by BETH SHELDRAKE
Date: 2024.03.26 11:19:47 -07'00'

The purpose of this memorandum is to request your concurrence on the proposed removal action at the J.H. Baxter & Co. site ("Site") in Eugene, Oregon as documented in the attached Action Memorandum. Redlegation of Authority 14-2 requires the Region to obtain advance concurrence from you to invoke the emergency waiver for removal actions exceeding \$6 million in response costs.

The On-Scene Coordinator (OSC) has discussed this proposed time-critical removal action with staff of the Office of Emergency Management's Preparedness and Response Operations Division (PROD), as appropriate. PROD, as anticipated, has advised the OSC that this time-critical removal action warrants invoking the emergency waiver because:

1. There is an immediate risk to public health or welfare or the environment.

In January 2022, the current owner/operator of the facility, J.H. Baxter & Co., halted all wood treating operations and mothballed the facility, claiming a volatile market and diminished margins. When mothballed, the facility was fully stocked and capable of treating wood with functional retorts, process areas, and treatment solutions. Since January 2022, the facility has remained idle and the treatment solutions containing CERCLA hazardous substances are now considered hazardous wastes. EPA identified these hazardous wastes through a removal site evaluation, characterizing over 500,000 gallons of hazardous substances in both liquid and solid phases. The presence of dioxins/furans, heavy metals, volatile organic compounds (VOCs), and semi-volatile organic compounds (SVOCs) located at the Site all exceed EPA's Removal Management Levels (RMLs), which if released, pose an immediate risk to public health, welfare, or the environment. To safely access, consolidate, transport, and dispose of these hazardous wastes, EPA will need to deconstruct much of the tank farm to gain access to each tank and the connecting piping. If these materials are not immediately secured and removed from Site, the possibility of fire, explosion, containment breach, or further site infrastructure deterioration will

directly affect the densely populated residential, commercial, and industrial districts, and the surrounding environment through atmospheric or surface water pathways.

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

Current conditions at the Site have resulted in the release of dioxin/furans, metals, VOCs, and SVOCs and could result in further releases to the environment. If immediate actions are not taken to secure, consolidate, transport, and dispose of the hazardous waste in the drums, totes, tanks, and contaminated sediments in the secondary containment, further impacts to human health and the environment will continue from ongoing and potential catastrophic releases of dioxin/furans, heavy metals, VOCs, and SVOCs. Due to an aging abandoned infrastructure and lack of freeboard in the secondary containment areas, environmental factors such as rain and wind can create migratory pathways into the adjacent communities with water runoff and atmospheric deposition. Delays in undertaking this removal action may result in structural failure of one or more tanks, creating an emergency where human health and the environment will be directly impacted, resulting in additional costs as contamination is likely to migrate past the current containment areas, increasing the total affected area.

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

No other government, third party entity, or potentially responsible party can provide assistance to mitigate the public health threats posed by the Site on a timely basis. Given the need to take an immediate response action and considering the size and scope of the proposed time-critical removal action, EPA support has been requested by the Oregon Department of Environmental Quality to conduct a cleanup. Failure to complete this proposed time-critical removal action as soon as possible would result in further deterioration of the infrastructure increasing the threat of release of CERCLA hazardous substances including dioxins/furans, heavy metals, VOCs, and SVOCs, increasing the threat of exposure to area residents and the environment. As such, there is an immediate risk posed by the conditions at the Site and invoking the emergency waiver is necessary to abate these threats.

The Action Memorandum is attached for your review. Regional approval awaits your concurrence.

Concur:

Barry N. Breen, Principal Deputy Assistant Administrator Date
Office of Land and Emergency Management

Non-Concur:

Barry N. Breen, Principal Deputy Assistant Administrator Date
Office of Land and Emergency Management