



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 07 2006

ACTION MEMORANDUM

SUBJECT: Request for Funding and Approval of a Ceiling Increase for Removal Action at the Picayune Wood Treating Site (Site) in Picayune, Pearl River County, Mississippi

FROM: Karen B. Buerki, On-Scene Coordinator *KB*
Emergency Response and Removal Branch

TO: Beverly H. Banister, Acting Director
Waste Management Division

THRU: Shane Hitchcock, Chief
Emergency Response and Removal Branch

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of a ceiling increase for the proposed time-critical removal action, described herein, for the Picayune Wood Treating (Site) located in Picayune, Pearl River County, Mississippi 39466. Conditions that exist on the Site pose a threat to public health, welfare, and the environment that meet the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) 40 CFR §300.415(b) criteria for removal actions. Conditions at the Site continue to meet the previously documented emergency exemption criteria for 12-month and \$2 million statutory limitations. If approved, the removal action project ceiling will be increased to \$5,964,000, of which approximately \$4,700,000 is allocated from the Regional Removal Advice of Allowance.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID Number: MSD065490930
Site ID Number: A4W2
Type: Time-Critical Removal

The Site is located in a mixed residential, commercial, and industrial neighborhood. It consists of approximately twenty-five acres of land located at 403 Davis Street, Picayune, Pearl River County, Mississippi. EPA initiated removal action under an Emergency Action Memorandum dated October 21, 1999 (see Attachment A). Pursuant to EPA Region 4

Delegation 14-2. Response, authority to obligate CERCLA funding in the amount of \$200,000 to initiate Removal Actions where site conditions constitute an emergency was delegated to the OSC. The Removal Action was continued under an Action Memorandum dated March 13, 2000 (see Attachment B), which included an emergency exemption of the 12-Month and \$2 Million statutory limitations for removal actions.

Removal action to date has consisted of demolition of creosote wood treating process tanks and buildings, wastewater treatment and disposal, asbestos abatement and disposal, collection and recycling of 35 lbs. of mercury from switches located on-site, and solidification of approximately 1,500 cubic yards of creosote sludge with fly ash and capping on-site. Numerous drums of waste and lab pack containers were also placed with the solidified sludge. These actions were completed on February 23, 2001. Of the removal actions approved in the March 13, 2000, action memorandum, all were completed with the exception of drum and lab pack disposal and sludge disposal.

A Final POLREP was prepared by OSC Gerald Foree on June 1, 2001(see Attachment C). In it, he states that all sludges were solidified and stockpiled on site for further remedial action. During a removal site evaluation on August 4, 2005, by OSC Karen Buerki and RPM Humberto Guzman, the 30-mil liner used to cap the waste on-site was inspected and was observed to have developed large tears, allowing stormwater to leach thru the waste. Furthermore, treatment options for creosote sludge solidified with fly ash and contaminated with various other unknown chemicals from the drums and laboratory containers placed with the sludge are limited and not consistent with the scope of work being pursued by the Remedial program. The Remedial program is pursuing in-situ methods for treatment of the creosote and pentachlorophenol contaminated soil and groundwater.

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

This Site continues to meet the criteria from the NCP at 40 CFR §300.415(b)(2) for a removal action as described in the March 13, 2000, Action Memorandum. There are no additional threats identified for this ceiling increase action memorandum.

IV. ENDANGERMENT DETERMINATION

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

V. EXEMPTION FROM STATUTORY LIMITS

Site conditions continue to meet the emergency exemption criteria specified in the original 12-Month and \$2 Million exemption and ceiling increase action memorandum dated March 13, 2000.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

Actions which may be necessary to abate the threats posed by the Site include the following:

- a. Prepare and implement a Health and Safety Plan, Removal Work Plan, Quality Assurance and Sampling Plan, and Community Relations Plan;
- b. Clear and grub the Site and excavate an area to be used for decontamination, staging, and support. Sample, profile, and dispose of the excavated waste;
- c. Provide access control to the Site;
- d. Design and construct stormwater improvements to the Site that will prevent further off-site migration of contamination from the property;
- e. Sample, profile, and dispose of stockpiled sludge and backfill excavation, as necessary;
- f. Manage and treat, as necessary, stormwater run-off into Mill Creek;

2. Contribution to Remedial Performance

Excavation and removal of contaminated soil beyond two feet and groundwater treatment, if necessary, is beyond the scope of this removal action, however, the removal will contribute to remedial performance by removing a source of contamination that is beyond the scope of the remedies being considered by the Remedial program.

3. Description of Alternative Technologies

No alternative technologies are available at this time due to the solidification of the creosote sludge and other wastes with fly ash. A large amount of debris is present

throughout the stockpile. However, treatment options will be considered and appropriate analytical and bench scale testing will be conducted to determine cost and effectiveness.

4. EE/CA

As this is a time-critical removal action, no EE/CA is necessary.

5. Applicable or Relevant and Appropriate Requirements (ARARs)

A request to identify state ARARs was sent to the Mississippi Department of Environmental Quality (MDEQ) on August 10, 2006. MDEQ has not identified any state ARARs to date. The only ARARs identified at this time are Resource Conservation and Recovery Act (RCRA) storage requirements for hazardous wastes. Attainment of the RCRA ARAR for storage of hazardous waste has been determined to be not practicable due to the exigencies posed by the Site. All applicable laws will be met for off-site transportation, treatment, and disposal of hazardous materials or pollutants or contaminants including RCRA Land Disposal Restrictions. The Off-Site Rule requirements will be met.

6. Project Schedule

The Removal Action is expected to take up to three months and is highly dependent on weather conditions and analytical turnaround time and results.

B. Estimated Costs

An independent government cost estimate of the removal action project ceiling was prepared using rates from the Emergency and Rapid Response Services Contract (ERRS), START-3 contract, and prior experience. The current removal action ceiling is documented in a memorandum dated September 6, 2005 (see Attachment D), in which the contingency funds were re-allocated to ERRS.

<u>Extramural Costs:</u>	<u>Current</u>	<u>Increase</u>	<u>Total</u>
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Regional Removal Advice of Allowance Costs:

ERRS Contractor	\$2,800,000	\$1,900,000	\$4,700,000
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Other Extramural Costs not Funded from the Regional Advice of Allowance:

START-3, including multiplier costs	\$300,000	\$200,000	\$500,000
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USCG	\$100,000	\$0	\$100,000
CLP	\$0	\$100,000	\$100,000
Subtotal			<u>\$5,400,000</u>
10% Extramural Contingency	\$24,000	\$540,000	\$564,000
<u>Total Removal Action Project Ceiling:</u>			<u>\$5,964,000</u>

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

The situation at the Site will only worsen if action is delayed or not taken. The waste on site is unsecured and adjacent to a residential neighborhood, increasing the likelihood for direct dermal contact exposure. Contaminated soil and sludge will continue to migrate off-site into Mill Creek and continue to pose a threat of exposure to people of dioxin, creosote, pentachlorophenol, and polynuclear aromatic hydrocarbons.

VIII. OUTSTANDING POLICY ISSUES

There are no known outstanding policy issues for the actions proposed in this Ceiling Increase Action Memorandum.

IX. ENFORCEMENT

Potentially Responsible Parties (PRPs) have been identified, however, they have not been proven to be financially viable. Therefore, EPA will continue a fund-lead removal action and continue the PRP search concurrently. The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$9,004,000.¹

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-judgement interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of the 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 costs from this estimate will affect the United States' rights to cost recovery.

For more detailed enforcement information see the Enforcement Addendum (Attachment E- "Enforcement Sensitive").

X. RECOMMENDATION

This decision document represents the selected removal action for the Picayune Wood Treating Site (Site) in Picayune, Pearl River County, Mississippi, developed in accordance with CERCLA, as amended, and not inconsistent with the NCP. This decision is based on the Administrative Record for the Site.

Conditions at the Site continue to meet the NCP 40 CFR §300.415(b) criteria for a removal action and the CERCLA Section 104(c) emergency exemption criteria. I recommend your approval of the proposed ceiling increase of \$2,400,000 for continued removal action. The total removal action project ceiling, if approved, will be \$5,964,000. Of this, an estimated \$1,900,000 may be funded from the FY06 and FY07 Regional Removal Advice of Allowance.

APPROVED: Beverly H. Banister DATE: 9/7/06
Beverly H. Banister, Acting Director
Waste Management Division

DISAPPROVED: _____ DATE: _____
Beverly H. Banister, Acting Director
Waste Management Division

Attachments