



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10 Suite # 900
1200 Sixth Avenue
Seattle, WA 98101

JUN 06 2008

Reply To
Attn Of: ECL-116

ACTION MEMORANDUM

SUBJECT: ACTION MEMORANDUM FOR TIME CRITICAL REMOVAL ACTIONS
WITH REMOVAL PROJECT COST CEILING LESS THAN \$200,000

FROM: Kathy Parker
Emergency Response Unit

THRU: Chris D. Field, Manager
Emergency Response Unit

TO: Daniel D. Opalski, Director
Office of Environmental Cleanup

JURISDICTIONAL FINDINGS

Belfair Lab Pack Dump

Bremerton, WA

Based on the factors listed below, I have determined that there is or was a release or substantial threat of a release of a CERCLA hazardous substance into the environment or is or was an imminent and substantial endangerment to the public health or welfare because of an actual or threatened release of pollutants or contaminants from the incident.

I. SITE INFORMATION

Site Name: Belfair Lab Pack Dump
Superfund Site Identification Number (SSID):
Site Location(s): Highway 3, Belfair, Washington

Latitude/Longitude Reading: 47.4947 degrees North, 122.7841 degrees West
Potential Responsible Party:
Access: verbal consent given by easement holder Tom Johnson
NPL Status: non-NPL
Removal Start date: 06/07/2008
Removal End date: 06/07/2008

II. THREAT TO THE PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT

A. Site Background (Attach spill notification report, trip report, or provide date of initial notification, amount released, and cause of release. Document identity of property owner, interviews, including contact names, addresses, and phone numbers)

Tom Johnson found 80-100 1 ounce to 2 L jars of abandoned chemicals on his easement next to his property near Belfair, Washington on Monday 6/2/08. Tom had not seen them when he was on the property 3 weeks earlier. He immediately notified Sgt. Ted Jackson of Washington Department of Fish and Wildlife. Ted went to the property on Tuesday 6/3/08 and tested one bottle for methamphetamine but found negative results. No labels on jars indicated that the chemicals had been used to make methamphetamine. Sgt. Ted Jackson called Mike Osweiler of the Washington Department of Ecology on Tuesday. Mike Osweiler visited the site on Thursday 6/5/08 with Jason Czebotar from Washington Fish and Wildlife. They saw that one of the jars was labeled cyanide and one was labeled muriatic acid. Some of the bottles of liquids had crystallized. Many were missing lids and were tipped over. A blanket had been laid over the top of the jars. Before they left they put a tarp over the chemicals to keep off the rain. No waterways appeared to be involved.

On 6/5/08 Mike Osweiler asked EPA to handle the removal action due to the number of containers and resources they anticipated would be needed. WDOE emailed 5 photos of the chemicals to EPA. The site was assigned to OSC Kathy Parker. Due to the unstable nature of the containers and the potential toxicity and danger to humans and the environment from the chemicals, plans were immediately made to visit the site on Saturday 6/7/08 and mobilize contractors for a removal action on Monday 6/9/08.

B. Hazardous Substances, Pollutants or Contaminants Present (list names and quantity of hazardous substances that have been or may be released, describe containers, and attach sampling/hazard categorization info if available)

80 - 100 containers ranging from 1 ounce to 2 liters, many missing lids and tipped over or broken. One container labeled cyanide and one labeled muriatic acid. The jars and bottles are in open and damaged boxes and trays which are sitting on exposed soil and vegetation.

C. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants (Include information on the manner of release or potential release and the potential environmental or human health receptors.)

The area where the chemicals were found has unrestricted access to pedestrians and animals. The area is residential with a home nearby. Since the chemicals are in open jars and bottles, are of many varied types, and two of the labels (cyanide and muriatic) are for toxic or corrosive chemicals, it is suspected that hazardous chemicals are present and could be a contact hazard to people and animals.

The open containers of chemical are exposed to the weather and are expected to migrate through wind or rain action if not stabilized.

Washington State Department of Ecology has stated that they do not have the resources to stabilize the hazard or perform a cleanup and on 6/5/08 requested EPA assistance.

D. Check applicable factors (from 40 CFR 300.415) which were considered in determining the appropriateness of a removal action:

- ☒ Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)].
- ☐ Actual or potential contamination of a drinking water supply or sensitive ecosystems [300.415(b)(2)(ii)].
- ☐ Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release [300.415(b)(2)(iii)].
- ☐ High levels of hazardous substances or pollutants in soils [300.415(b)(2)(iv)].
- ☒ Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].
- ☐ Threat of fire or explosion [300.415(b)(2)(v)].
- ☒ The lack of availability of other appropriate Federal or State response mechanisms to respond to the release [300.415(b)(2)(vii)].
- ☐ Other situations or factors that may pose threats to the public health or welfare or the environment.

E. Other Factors:

- ☒ PRP unknown.
- ☐ PRP given the opportunity to conduct removal action and has declined

III. SELECTED REMOVAL ACTION

(Include a description of the action to be taken, estimate costs, and estimate schedule. May include/attach POLREPS, independent government cost estimates, purchase requests, cleanup options analysis, disposal methods, on-site treatment, security, etc.)

The proposed removal action to be taken consists of on-site hazard categorization of the chemicals and soil for packing and disposal of the chemicals, containers, and contaminated soil.

IV. ESTIMATED COSTS

START Costs (staff, travel, equipment)	\$20,000.00
ERRS Costs (staff, travel, equipment)	\$20,000.00
Other Extramural Costs (Strike Team, other Fed Agencies)	\$0.00
Contingency costs (20% of subtotal)	\$8,000.00
Total Removal Project Ceiling Costs	\$48,000.00

V. ENFORCEMENT

(Include EPA's total costs for conducting the work including all *direct* costs (intramural and extramural) and the *indirect* costs which are calculated based on a set percentage of the combined intramural and extramural direct costs. Consider including a confidential enforcement addendum with information on the extent to which Potentially Responsible Parties, PRPs, are known, and their ability/willingness to conduct the response actions promptly and properly.)

Direct Extramural Costs	\$48,000.00
+ Direct Intramural Costs	\$8,000.00
= Direct Costs	\$56,000.00
Region Specific indirect Cost Rate	38.79% (FY 07)
x Direct Costs (Copy from Above)	\$56,000.00
= Indirect Costs	\$21,722.40
Direct Costs	\$56,000.00
+ Indirect Costs	\$21,722.40
= Total Estimated EPA Cost for Removal Action	\$77,722.40

The total EPA¹ costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$77,722.40

VII. APPROVALS


Conditions at this site meet the NCP section 300.415(b)(2) criteria for a time critical removal action. The finding of imminent and substantial endangerment for pollutants or contaminants, or the release or substantial threat of release of a hazardous substance has been entered into the administrative record for this site or incident.

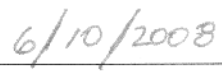
Prepared by: Kathy Parker

Concurrence by: Cliff Villa, Assistant Regional Counsel, Office of Regional Counsel

Concurrence by: Chris D. Field, Manager, Emergency Response Unit

Approving Official:


 Kathy Parker, On-Scene Coordinator
 Office of Environmental Cleanup


 Date

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.

Additional Information - Indicate the section being continued (i.e. II.A.(cont.))

Section II A continued

The property is private and undeveloped property and believed to be owned by Susan Mays with easement held by Tom Johnson. A telephone message has been left with a Susan Mays residing in Mt. Vernon, Washington. I talked with Tom Johnson on 6/6/08 and he said he has documentation of his right of easement that he can show me. He gave me verbal consent for access to the property.

Site is adjacent to the residence at 7338 Highway 3, Bremerton, WA 98312

Contacts:

WDOE Mike Ossweiler, office: 360 407 6372

WDFD Sgt. Ted Jackson, work cell: 360 490 6019

Tom Johnson, easement holder, Victor, WA., home: 360 275 3790