

U.S. ENVIRONMENTAL PROTECTION AGENCY  
\$200,000 EMERGENCY ACTION MEMO

**Date:** 7MAY09

**Subject:** Harrell Construction Abandoned Drums  
622 Embreeville Road  
Johnson City, TN

**From:** Alyssa E. Hughes, OSC, Region IV

**To:** Regional Response Center, 4SF-ERRB

**I. PURPOSE**

The purpose of this memorandum is to document the decision to initiate emergency removal/ stabilization actions described herein for the Harrell Construction Abandoned Drum Site located at 622 Embreeville Road, Johnson City, Washington County, Tennessee, under the OSC's \$200,000 authority. The initial POLREP for this site has already been written and posted on www.EPAOSC.net.

**II. BACKGROUND**

**Site No:** A4ZC

**Delivery Order No:** 0057

**DO Amount:** \$ 40,000.00

**Contractor:** Environmental Restoration

**CERCLIS No:** \_\_\_\_\_

**ERNS No:**

**Response Authority:** CERCLA

**NPL Status:** No

**State Notification:** 7MAY09

**Start Date:** 7MAY09

**Demobilization Date:** 7MAY09

**Completion Date:** \_\_\_\_\_

**III. SITE INFORMATION**

**A. Incident Category:**

- Active Production Facility
- Inactive Production Facility
- Active Waste Management Facility
- Inactive Waste Management Facility
- Midnight Dumping: five drums leaking in residential neighborhood
- Transportation Related
- Other (specify):.

**B. Site Location****1. Site description****a. Removal Site Evaluation**

The Tennessee Department of Environment and Conservation referred the Site to the removal program in order to conduct a removal site evaluation. OSC Garrard traveled to the Site and upon arrival noted numerous 55-gallon drums outside the fence. Some of the drums were in poor condition, consisting of deteriorating steel, missing bungs, and/or large holes cut into them. A total of fifteen drums were reported. One of the open-top drums appeared to contain some type of petroleum product within 20 feet of a nearby creek. In addition, OSC Garrard noted breaches in the fence which would allow trespassers to easily enter the facility. Based on these observations and the recent severe weather, OSC Garrard determined the Site was unsecure and called the Region 4 phone duty officer OSC Rick Jardine to initiate an emergency response.

OSC Jardine mobilized responder OSC Hughes with ERRS Contractor Environmental Restoration and START contractor Tetra Tech EMI in order to stabilize the Site.

ERRS Contractor Environmental Restoration worked with the property owner to stage all drums at a centralized location under the cover of a maintenance shed. A total of fourteen 55-gallon drums, both steel and poly, were found at various locations around the facility. Two of the drums required overpacking. Numerous 5-gallon buckets and smaller containers were also collected and staged under the cover of the warehouse. The property owner stated the drums contain retardants, accelerants and surfactants, all used in the manufacturing of concrete. The petroleum product was stated to be motor oil used for heavy equipment on-site.

START contractor Tetra Tech performed air monitoring of the facility and hazard categorization of the drums. START contractor created a drum inventory log including an

identification number, photograph, general description and hazard categorization results. None of the hazard categorization indicated anything of concern in the drums and matched the description given by the responsible party.

b. Physical location and Site characteristics

Harrell Construction is located in a mixed residential/industrial use area of Johnson City, Tennessee. The primary operation of the facility was the manufacturing and delivery of concrete. The site appeared to be abandoned, but the property owners were contacted and were on-site by the time OSC Hughes arrived on-site. OSC Hughes expressed concerns about the site conditions and communicated the steps necessary to secure the site. Site conditions of concern included an open top 55 gallon drum containing some type of petroleum product approximately 20 feet from a nearby creek, several drums in poor condition, and a breach in the fence enabling access to trespassers. The Site is located at 633 Embreeville Road in Johnson City, TN. The Site is owned by Don Harrell.

OSC Hughes served the property owners with a Notice of Federal Interest informing them that the observed concerns would require some sort of action to stabilize the Site. The responsible party was willing to work towards securing the Site.

The nearest population is approximately 50 feet from the Site (next door to the facility). High potential for the release to migrate to a running stream approximately 20 feet down gradient as well as vegetation and soil along the pathway to the stream.

c. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

At the time of the initiation of the emergency response, the materials in the drums were unknown but the potential for release threatened to impact

the environment and nearby populations. The results of hazard categorization testing indicated no CERCLA hazardous substances were present on-site.

d. Maps, pictures, and other graphic representations will be posted on [www.epaossc.net](http://www.epaossc.net).

## 2. Description of threat

Explanations of how this release or threat of release meets the criteria for threats to public health or welfare or the environment in section 300.415 (b) (2) of the NCP are discussed below.

- a. 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.": this material was released in a residential neighborhood within 20 feet of a running stream.
- b. 300.415(b) (2) (ii) "Actual or potential contamination of drinking water supplies or sensitive ecosystems."
- c. 300.415(b) (2) (iii) "Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release.": The drums found on this Site were discovered open and leaking to the environment.
- d. 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.": No reason to believe this criterion is valid for this site.
- e. 300.415(b) (2) (v) "Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released." Significant rains have impacted the area in the recent past. If left unattended the released material would have undoubtedly migrated to a larger area along the surface water pathway.
- f. 300.415(b) (2) (vi) "Threat of fire or explosion.": Due to the unknown nature of the materials in the drums, a threat of fire or

explosion does exist.

- X   g. 300.415(b)(2)(vii) "The availability of other appropriate federal or state response mechanisms to respond to the release.": The State Department of Environment and Conservation requested the assistance of federal resources to stabilize the Site.
- h. 300.415(b)(2)(viii) "Other situations or factors that may pose threats to public health or welfare of the United States or the environment.":

ATSDR has not conducted a health assessment. Health advisories, consultations, or other health risk advice are attached, if such documents exist.

**C. Preliminary Assessment/Site Inspection Results:**

A Preliminary Assessment/Site Inspection was performed by the State prior to EPA ERRB referral. The checklist can be viewed on [www.epaossc.net](http://www.epaossc.net).

**IV. RESPONSE INFORMATION**

**A. Situation**

1. **Current situation:** From the Start date to the date of this document, the weather has been seasonal with low temperature ranges of 50° to 60° F and high temperature ranges of 70° to 80° F. There has been no media involvement for this Site.

2. **Removal activities to date**

- a. Federal Government/Private Party

The USEPA mobilized to the Site on 7MAY09. The response actions initiated by the Federal Government/Responsible Party include:

sampling and analysis: only hazard characterization field screening thus far and anticipated.

waste containment and cleanup activities:

two of the drums were over packed in sound 85-gallon drums. All of the drums were stabilized and staged under the protection of a warehouse shed.

community relations activities: None

other activities: None

These actions have been effective in mitigating the threat to the public health, welfare and environment. These current actions are the only anticipated actions on-site.

b. State/Local

Tennessee DEC requested EPA's assistance with the Site. Since the property owners were subsequently contacted, present on-site during stabilization activities and willing to assist in clean-up activities, no further federal actions are anticipated on-site. The State has agreed to oversee any and all disposal and clean-up efforts.

**3. Enforcement<sup>1</sup>**

The PRPs have been identified and are willing to complete any additional on-site activities.

The following enforcement actions have been initiated by EPA or the State:

- the property owners formerly operated the facility on-site. They have been contacted and are willing to assist in any future on-site activities.
- the PRPs were served with a Notice of Federal Interest by the responding OSC.
- administrative orders issued: None
- other: None.

**B. Planned Removal Actions**

**1. Proposed action description**

The specific tasks involved in the proposed

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<sup>1</sup> Enforcement strategy is not part of the Action Memo for purposes of NCP consistency.

response to the threats include:

Containment and Countermeasures: actions conducted by EPA and EPA contractors.

Cleanup, Mitigation and Disposal: overpack drums and transport them to a safe location (warehouse shed with protective cover and fence) for thorough characterization and eventual disposal.

Restoration: None

Analytical: analytical of waste materials will be conducted commensurate with disposal profiling. No analytical will be proposed for Site property.

Other: None.

Any off-site disposal will be in compliance with the CERCLA off-site disposal policy. The rationale for choosing the response action, supporting data for the decision, and the technical feasibility and probable effectiveness of the proposed action include the OSCs observation of multiple target receptors most notably the nearby residential community and stream.

## 2. Contribution to remedial performance

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the site.

## 3. Description of Alternative Technologies

The following alternatives to land disposal have been considered: none.

## 4. ARARs

The Federal ARARs identified for the site include: None.

## 5. Project schedule

The removal action is anticipated to be complete at this time.

**C. Next Steps**

There are no future activities planned after the removal activity described above.

There are no future enforcement activities anticipated.

There are no meetings with local authorities and community relations activities planned.

**D. Key Issues**

The following are problem areas or issues of concern: None.

**V. COSTS**

**Extramural Costs:**

	<u>Ceiling</u>	<u>Costs To Date</u>
ERRS .....	\$ 10,000	\$ 2,000
IAGs .....		\$ , \$
Cooperative Agreements/Letter Contracts ...	\$ ,	\$ ,
START .....	\$ 15,000	\$ 2,000
CLP .....	\$ ,	\$ ,
REAC .....	\$ ,	\$ ,
Extramural Contingency .....	\$ 10,000	\$ ,
<b>TOTAL, EXTRAMURAL COSTS</b> .....	<b>\$ 25,000</b>	<b>\$ ,</b>

**Intramural Costs:**

Direct Costs (Region, HQ, ERT) .....	\$ 1,000	\$ 500
Intramural Indirect Costs .....	\$ ,	\$ ,
<b>TOTAL, INTRAMURAL COSTS</b> .....	<b>\$ ,</b>	<b>\$ ,</b>

<b><u>TOTAL PROJECT CEILING/SITE COST</u></b> .....	<b>\$51,000</b>	<b>\$ ,</b>
<b>Project Funds Remaining (percentage)</b> .....		<b>10%</b>

The Project Ceiling has been approved by the OSC as documented in this Action Memo / Initial Pollution Report. The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor. Other financial data, which the OSC must rely upon, may not be entirely up to date. The cost accounting provided in this report does not necessarily represent an exact

monetary figure which the government may include in any claim for cost recovery.

**VI. DISPOSITION OF WASTES**

WASTE STREAM	WASTE CODE	MEDIUM	QUANTITY	CONTAINMENT/ TREATMENT/DISPOSAL METHOD	DISPOSAL LOCATION

**VII. ENDANGERMENT DETERMINATION**

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

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

A delay in action or no action at this Site would increase the actual or potential threats to the public and the environment. The worst-case scenario is a community member to be burned by the chemicals or a chemical fire.

**IX. OUTSTANDING POLICY ISSUES**

The following remaining policy issues are associated with the site:

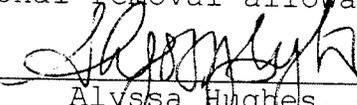
- None
- Policy Issues: None

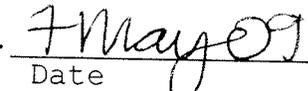
**X. APPROVAL**

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and not inconsistent with the National Contingency Plan.

This decision is based on the administrative record for the site.

Conditions at the site meet the NCP section 300.415(b) (2) criteria for a removal and through this document, I am approving the proposed removal actions. The total project ceiling is \$51,000, of which an estimated \$\_\_51,000 will be funded from the Regional removal allowance.

  
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Alyssa Hughes, OSC

  
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Date