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

Date: July 20, 2009,
Subject: Waterworks Creosote Site, Columbus, Mississippi
From: Rick Jardine, OSC, Region 4
To: Matt Taylor, Chief, Emergency Response Section

I. PURPOSE

The purpose of this memorandum is to document the decision to initiate emergency removal/ stabilization actions described herein for the Subject Site located in Columbus, Mississippi under the OSC's \$200,000 authority

II. BACKGROUND

Site No: A4ZW

CERCLIS No: MSN000410429
Response Authority: CERCLA
State Notification: 15JUL09
Demobilization Date: 18JUL09

0703-F4-0038
Delivery Order No: ~~4009-F4-000~~
DO Amount: \$ 50,000⁰⁰
Contractor: WRS
NRC Report No: 910884
NPL Status: Non-NPL
Start Date: 15JUL09
Completion Date: TBD

III. SITE INFORMATION

A. Incident Category:

☐ Active Production Facility
☐ Inactive Production Facility
☐ Active Waste Management Facility
☐ Inactive Waste Management Facility
☐ Midnight Dump
☐ Transportation Related
☒ Other (specify): Private property contaminated by history of run-off from wood treatment facility.

B. Site Location

1. Site description

a. Removal site evaluation

Up gradient from the Maranatha church property in Columbus, Mississippi is an inactive wood treatment facility formerly operated by Kerr-McGee; now being

managed by Tronox. Tronox is addressing on-site RCRA corrective actions under oversight of MDEQ. Tronox is addressing offsite RCRA corrective actions under oversight of EPA RCRA Division. The RCRA corrective action process has reportedly been underway for some ten years.

One community member, Reverend Jamison, who leads a local church has property that has been impacted by the creosote contaminated run-off from the facility. Admittedly, due to frustration from the apparent lack of remedy to the contamination on his property, Reverend Jamison used a backhoe to remove the concrete paving along a portion of the storm drainage ditch that traverses his church property. In so doing, Reverend Jamison also excavated sediment from the ditch invert.

The broken concrete and spoils were strewn along the field of the church property. This area is open to community member ingress and egress. Single family and multi-family residential properties surround the church. EPA was notified that children were playing in the excavated spoils. The excavation occurred on or around July 7, 2009, And was reported to the NRC on July 15, 2009.

b. Physical location and Site characteristics

The Site consists of approximately 100 linear feet of storm ditch and adjacent left descending bank located in a residential/light industrial area at 716 Water Works Road in Columbus, Lowndes County, Mississippi (33° 30' 14" latitude and 88° 24' 13" longitude). The Site is owned by the Maranatha Worship Center which is led by Reverend Steve Jamison.

The nearest population is within 100 feet of the Site and it is estimated that hundreds of people live within a one-mile radius of the Site.

Many community members of all ages flock to this property to worship and share fellowship.

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

The materials known on site include an estimated 100 cubic yard of sediment and debris that is potentially creosote contaminated. It is believed contaminated due to sampling data provided by a third party working for Maranatha and the proximity to the former wood treatment facility.

There is also an estimated 3 cu yds of soil that reportedly was excavated ten years ago during an earlier development project on the same property

further up gradient along the ditch line. The earlier project was to construct a box culvert to replace an old riveted steel pipe.

- d. Maps, pictures, and other graphic representations

Maps, pictures, and other graphic representations can be found on www.EPAOSC.org.

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.

- X 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."**: neighborhood children were reportedly playing in the excavation spoils pile.
- b. **300.415(b) (2) (ii) "Actual or potential contamination of drinking water supplies or sensitive ecosystems."**: none suspected
- 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."**: none associated with this site.
- X 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."**: the excavated materials, formerly capped under the concrete ditch, are now exposed at the surface.
- X e. **300.415(b) (2) (v) "Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released."**: this year the southeastern United States has experiences widespread heavy rains and local flooding in some locales
- f. **300.415(b) (2) (vi) "Threat of fire or explosion."**: none likely at this site.
- X g. **300.415(b) (2) (vii) "The availability of other appropriate federal or state response mechanisms to respond to the release."** None available. The State RCRA Corrective program is confined to operate within the fence line of the former wood treatment facility. The Federal RCRA program has primacy to operate outside of

the facility; however, the responsible party is restructuring and unable to commit response resources to conduct the appropriate emergency response.

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.": None known.

ATSDR has conducted a health assessment and advisory for the community. Those details are part of the record for the RCRA Corrective action on-going at the former wood treatment facility.

C. Preliminary Assessment/Site Inspection Results:

A Preliminary Assessment/Site Inspection has been performed at this Site by both EPA RCRA and a private party working for Maranatha Worship Center. That study included analytical data suggesting presence of creosote in the storm drainage ditch.

IV. RESPONSE INFORMATION

A. Situation

1. **Current situation:** From the Start date to the date of this document, the weather has been variable with low temperature ranges of 50° to 75° F and high temperature ranges of 65° to 95° F. There has been little media activity.

2. **Removal activities to date**

a. Federal Government/Private Party

The USEPA mobilized to the Site on 15JUL09. The response actions initiated by the Federal Government/Responsible Party include:

sampling and analysis: START collected sediment samples for field screening and laboratory analyses. Samples were screened with the miniRae on site to determine whether any 'hot spots' exist. Lab analyses will be conducted for waste profiling.

waste containment and cleanup activities: ERRS (WRS/USES) placed all excavation spoils and debris into lined 20 yard dumpsters and covered the dumpsters pending transportation and disposal.

community relations activities: OSC Jardine spoke with Reverend Jamison and other church members

regarding EPAs determination and intent.

other activities: OSC Jardine visited the US Congressman's office and conducted a media interview.

These actions have been effective in mitigating the threat to the public health, welfare and environment. These current actions will correlate with the planned removal actions.

b. State/Local

There is no State involvement at this Site.

3. **Enforcement¹**

The PRPs are the property owner and the Kerr-McGee facility upgradient. They cannot and will not perform the proposed response promptly and properly. There are no enforcement actions initiated by the State for this Site. EPA is pursuing RCRA Corrective Action.

B. **Planned Removal Actions**

1. **Proposed action description**

The specific tasks involved in the proposed response to the threats include (check applicable):

☒ **Containment and Countermeasures:** EPA intends to remove all excavated material and provide for appropriate disposal. Materials excavated will be placed in lined 20 cu yd rolloff boxes and covered. EPA will also remove, if appropriate, the seemingly contaminated soil that is in the old steel culvert pipe laying on church grounds. This material will be drummed.

☒ **Cleanup, Mitigation and Disposal:** The material described above will be either treated or directly landfilled as appropriate.

☐ **Restoration:** there will be no restoration work performed other than the removal activities described above.

☒ **Analytical:** START will send samples collected on Site to a lab for analyses.

☒ **Other:** Treatment/disposal - Off-site disposal will be in compliance with the CERCLA off-site disposal policy. The rationale for choosing the

¹ Enforcement strategy is not part of the Action Memo for purposes of NCP consistency.

response action, supporting data for the decision, and the technical feasibility and probable effectiveness of the proposed action include visual observation and field screening to determine site conditions. Materials from the ditch will be excavated and containerized based on protective conservative information derived on Site. Treatment/disposal determinations will be based upon analytical lab data coupled with field-derived information.

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

There are no alternative technologies being proposed for this emergency response removal action.

4. ARARs

There are no ARARs anticipated for the Site.

5. Project schedule

The removal action is anticipated to be completed within six months of the Start Date listed in Section II of this document.

C. Next Steps

- Ongoing and future response activities plans include:
- ☐ Containment and Countermeasures: no other measures beyond those described above.
 - ☒ Cleanup, Mitigation and Disposal: based upon data provided by MDEQ some years ago, the soil in the old culvert pipe was allowed to remain undisturbed during this action. However, the OSC directed START to sample said material as it exuded a strong creosote odor. Should these samples indicate presence of creosote or PAHs it will be drummed and offered for treatment/disposal.
 - ☐ Restoration: None
 - ☒ Analytical: Pending (samples as described above).
 - ☐ Other: None.

The following enforcement activities are planned:

- ☐ PRP search
- ☐ notification letters
- ☐ administrative orders issued

X other: EPA R4 RCRA will continue with Corrective Action Order under their authorities.

The following meetings with local authorities and community relations activities are planned: Superfund Community involvement will discuss activity with community and establish information repository.

D. Key Issues

The following are problem areas or issues of concern: The Reverend Jamison is extremely frustrated because he believed his property has been devalued due to the contamination that persists along his drainage ditch. He also believes that the Federal, State, and local government is covering up information that would lead to a comprehensive RCRA Corrective action. Further he is frustrated with the long time frame of the corrective action.

V. COSTS

Extramural Costs:

		<u>Ceiling</u>	<u>Costs To Date</u>
ERRS	\$ 50,000 ⁰⁰	\$	
START	\$	\$	
Extramural Contingency (20%)	\$	\$	
TOTAL, EXTRAMURAL COSTS	\$	\$	

Intramural Costs: (not included for this Memo)

TOTAL PROJECT CEILING/SITE COST \$200,000 \$

Project Funds Remaining (percentage)..... %

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 X hazardous substances 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: community children could experience creosote and PAH exposures and experience symptomatic disease.

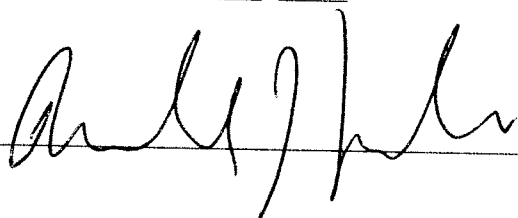
IX. OUTSTANDING POLICY ISSUES

The following remaining policy issues are associated with the site:
None known to the OSC at this time.

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 \$200,000, of which an estimated \$____, ____ will be funded from the Regional removal allowance.



, OSC

20 JUL 09
Date