

U.S. ENVIRONMENTAL PROTECTION AGENCY  
POLLUTION/SITUATION REPORT  
AgForce - Removal Polrep  
Initial Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region VII

**Subject:** POLREP #1  
Pollution Report (Initial) #1  
AgForce  
KSN000705876  
Herington, KS  
Latitude: 38.6772000 Longitude: -96.9265000

**To:**  
**From:** Randy Schademann, OSC  
**Date:** 3/17/2009  
**Reporting Period:** 3/15/2009

1. Introduction

1.1 Background

<b>Site Number:</b>	KSN000705876	<b>Contract Number:</b>	
<b>D.O. Number:</b>		<b>Action Memo Date:</b>	3/15/2009
<b>Response Authority:</b>	CERCLA	<b>Response Type:</b>	Time-Critical
<b>Response Lead:</b>	EPA	<b>Incident Category:</b>	Removal Action
<b>NPL Status:</b>	Non NPL	<b>Operable Unit:</b>	
<b>Mobilization Date:</b>		<b>Start Date:</b>	
<b>Demob Date:</b>		<b>Completion Date:</b>	
<b>CERCLIS ID:</b>		<b>RCRIS ID:</b>	
<b>ERNS No.:</b>		<b>State Notification:</b>	
<b>FPN#:</b>		<b>Reimbursable Account #:</b>	

1.1.1 Incident Category

Time-critical, fund-lead removal action from state referral.

1.1.2 Site Description

The AgForce Site (Site) is located at the northeast boundary of the city limits of Herington, Morris County, Kansas. The Site has been the location of a succession of failed agricultural chemical businesses, the latest being AgForce Chemical, LLC. AgForce, along with Northeast Kansas Ag Chemical, LLC (the owner of the property) and Gregory D. Bachman, Managing Member/President of both AgForce Chemical, LLC and Northeast Kansas Ag Chemical, LLC, filed for bankruptcy in May 2007. The Site is currently being used by former employees of AgForce as an equipment staging area for row crop agriculture.

The Kansas Department of Health and Environment (KDHE) has conducted several investigations at the Site. In 2003 when Sunflower Services Inc. owned and conducted business operations on the property, KDHE conducted a Site Reconnaissance and Evaluation (RSE). Sunflower Services, apparently not related to AgForce, filed for bankruptcy protection in 2005. The Receiver for Sunflower Services transferred title to the property to Northeast Kansas Ag Chemical, LLC, in March 2006.

The Kansas Department of Agriculture (KDA) conducted several inspections in the fall of 2006 and noted cracks in secondary containment walls, various unlabeled containers filled with unidentified liquids stored outside containment area – some of which were leaking, and areas of stained soil, indicating materials had leaked onto the ground. According to information garnered by the U.S. Environmental Protection Agency (EPA), AgForce, LLC, last conducted operations at the property in March 2007. KDHE

conducted a Preliminary Removal Site Evaluation (PRE) in March 2008. KDHE identified a number of tanks, drums, and stained soil on the Site. Samples collected during the PRE identified multiple herbicides, including 2,4-dichlorophenoxyacetic acid (2,4-D), atrazine, simazine, and propachlor. KDHE also prepared a Preliminary Assessment (PA) in May 2008. Based on the PA, KDHE concluded that releases from the Site were entering an off-site pond on property adjacent to the Site.

EPA conducted a removal assessment in August 2008 and additional samples were collected in 2009. All on-site tanks (26), drums (23), and totes (1) were evaluated to determine whether they contained any material. Samples were collected from 11 of the tanks for laboratory analysis. All of the drums were sampled and field screened to determine waste category. Three soil samples were collected from bare areas that would have otherwise likely have had vegetative cover. An additional six soil samples were collected from several inches beneath these bare areas and in close proximity to delineate the contamination.

#### 1.1.2.1 Location

The Site is located at 1401 Helen Street, Herington, Kansas (38.6772 degrees north latitude and 96.92650 west longitude).

#### 1.1.2.2 Description of Threat

#### 1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

## 2. Current Activities

### 2.1 Operations Section

#### 2.1.1 Narrative

#### 2.1.2 Response Actions to Date

The Action Memorandum was signed on March 16, 2009.

#### 2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

Efforts to locate a viable PRP continue.

#### 2.1.4 Progress Metrics

Removal activities are scheduled to begin in late March 2009.

<i><b>Wastestream</b></i>	<i><b>Medium</b></i>	<i><b>Quantity</b></i>	<i><b>Manifest #</b></i>	<i><b>Treatment</b></i>	<i><b>Disposal</b></i>

## 2.2 Planning Section

### 2.2.1 Anticipated Activities

Removal activities are scheduled to begin in late March. The following waste streams are anticipated:

- Approximately 50,000 gallons of herbicide-tainted fertilizer will be land applied following the Kansas Department of Agriculture specifications.
- Approximately 5,000 gallons of herbicide-tainted fertilizer will require treatment (e.g., through a wastewater treatment facility).
- Approximately 1,200 gallons of miscellaneous hazardous waste will require incineration.
- Approximately 200 cubic yards of herbicide-contaminated soil will be land applied.

#### **2.2.1.1 Planned Response Activities**

#### **2.2.1.2 Next Steps**

#### **2.2.2 Issues**

### **2.3 Logistics Section**

No information available at this time.

### **2.4 Finance Section**

No information available at this time.

### **2.5 Other Command Staff**

No information available at this time.

## **3. Participating Entities**

### **3.1 Unified Command**

### **3.2 Cooperating Agencies**

The KDHE and KDA have been active in developing the response strategy on this site.

## **4. Personnel On Site**

No information available at this time.

## **5. Definition of Terms**

No information available at this time.

## **6. Additional sources of information**

### **6.1 Internet location of additional information/report**

For additional information please refer to <http://www.epaosc.org/agforce>.

### **6.2 Reporting Schedule**

The next PolRep will be developed upon initiation of on-site activities in late March.

## **7. Situational Reference Materials**

No information available at this time.