

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region VII

Subject: POLREP #2
Pollution Report #2
AgForce
KSN000705876
Herington, KS
Latitude: 38.6772000 Longitude: -96.9265000

To:
From: Randy Schademann, OSC
Date: 4/21/2009
Reporting Period:

1. Introduction

1.1 Background

Site Number:	KSN000705876	Contract Number:	
D.O. Number:		Action Memo Date:	3/15/2009
Response Authority:	CERCLA	Response Type:	Time-Critical
Response Lead:	EPA	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	4/16/2009	Start Date:	4/16/2009
Demob Date:		Completion Date:	
CERCLIS ID:	KSN000705876	RCRIS ID:	
ERNS No.:		State Notification:	
FPN#:		Reimbursable Account #:	

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 and Northeast Kansas Ag Chemical, 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 the 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 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

The Site has numerous containers that have fertilizer with trace levels of a variety of herbicides. Most of these containers are exposed to the elements and are showing signs of corrosion.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

The START Removal Assessment report is an attachment in the documents section of this website.

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. Field activities were initiated on April 16, 2009, when local farmers, subcontracted through the ERRS contract, began removing material from the site. Approximately 40,000 gallons have been removed to date.

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

Efforts to locate a viable PRP have not been successful.

2.1.4 Progress Metrics

<i>Wastestream</i>	<i>Medium</i>	<i>Quantity</i>	<i>Manifest #</i>	<i>Treatment</i>	<i>Disposal</i>
<i>Nitrogen-based fertilizer with 2,4-D and Dicamba</i>	<i>Liquid</i>	<i>40,000 G</i>	<i>NA</i>	<i>None</i>	<i>Land application</i>

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2.2 Planning Section

2.2.1 Anticipated Activities

Removal activities will likely continue through early summer. The following waste streams are anticipated:

- An additional 10,000 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

2.5.1 Safety Officer

No site safety issues have arisen.

2.6 Liaison Officer

2.7 Information Officer

2.7.1 Public Information Officer

An Administrative Record is in the late stages of development. A Fact Sheet developed for the site has been sent to the Congressional Liaison and is available for distribution to concerned citizens while on site.

2.7.2 Community Involvement Coordinator

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

During the land application phase of this removal staffing on site will be limited to episodic activity by the local farmers contracted with ERRS and EPA personnel for monitoring.

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.epaossc.org/agforce>.

6.2 Reporting Schedule

The next PolRep will be developed as site progress warrants.

7. Situational Reference Materials

No information available at this time.