

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region VII

Subject: POLREP #4
Final PolRep--Completion Date March 19, 2010
AgForce
KSN000705876
Herington, KS
Latitude: 38.6772000 Longitude: -96.9265000

To: Ronda Krell, EPA
Don Lininger, EPA

From: Randy Schademann, OSC

Date: 3/29/2010

Reporting Period: November 2009 -- March 2010

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:	3/19/2010	Completion Date:	3/19/2010
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. Over 45,000 gallons of material from 11 tanks were applied to various fields during the spring and summer following KDA guidance.

During the week of October 12, approximately 15,000 gallons of liquid from within the bermed area (containing the tank farm) were pumped into on-site storage tanks. Approximately 198 tons of soil was excavated from within the same bermed area. Pulverized corn cobs were added to the excavated soil to reduce the moisture content and facilitate land application. Both the liquid and soil had been previously sampled and found to contain trace elements of nitrogen-based fertilizer and 2,4-D. The KDA and KDHE had provided approval for land application of this material.

During the same week, approximately 4,000 gallons of liquid from nearly 200 containers were shipped off-site for disposal. Much of this material was contained within a large tank that contained a soil sterilant that the KDA had not approved for land application. The remaining material was derived from smaller containers (mostly 2.5 gallon) strewn about the site. Much of this liquid is slated for incineration.

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>50,000 G</i>	<i>NA</i>	<i>None</i>	<i>Land application</i>
<i>Fertilizers with trace amounts of herbicides</i>	<i>Liquid</i>	<i>5,750 G</i>	<i>NA</i>	<i>None</i>	<i>Land application</i>
<i>Various herbicides/pesticides</i>	<i>Liquid</i>	<i>4,000 G</i>		<i>None</i>	<i>Incineration</i>
<i>Fertilizer</i>	<i>Solid</i>	<i>16,920 P</i>	<i>NA</i>	<i>None</i>	<i>Land application</i>
<i>Solids inside berm</i>	<i>Solid</i>	<i>396,000 P</i>	<i>NA</i>	<i>None</i>	<i>Land application</i>

2.2 Planning Section

2.2.1 Anticipated Activities

All waste streams on the site to be addressed through the Action Memorandum have been either shipped off-site for disposal or 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

2.4.1 Narrative

The Emergency and Rapid Response Services initial PO of \$52,000 was increased to \$104,000 to accommodate the additional containers of materials found at the site; the disposal of 4,000 gallons originally slated for treatment at a POTW (none would accept the waste), and the land application of the water in the bermed area and stabilization of the sediments (it was anticipated that no liquid would be present but persistent rains kept liquid in the basin). The totals to date in the cost summary are estimates only.

Estimated Costs *

	Budgeted	Total To Date	Remaining	% Remaining
Extramural Costs				
ERRS - Cleanup Contractor	\$104,000.00	\$102,000.00	\$2,000.00	1.92%
TAT/START	\$18,000.00	\$10,000.00	\$8,000.00	44.44%
Intramural Costs				
USEPA - Direct	\$8,000.00	\$4,000.00	\$4,000.00	50.00%
Total Site Costs				
	\$130,000.00	\$116,000.00	\$14,000.00	10.77%

* 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(s). 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.

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 has been established at the Herington City Library. 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. During the week of October 12, there were 5 ERRS personnel, one START, and the OSC on-site. Because all removal activities are concluded, all EPA-related personnel have demobilized.

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 START contractor will prepare a final report that will be posted to this site.

7. Situational Reference Materials

No information available at this time.