

U.S. ENVIRONMENTAL PROTECTION AGENCY  
POLLUTION/SITUATION REPORT  
Dudka's Auto Parts - Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region II

**Subject:** POLREP #17  
Progress  
Dudka's Auto Parts  
A-27A  
Perth (Amsterdam), NY  
Latitude: 43.0175740 Longitude: -74.1940203

**To:**  
**From:** Paul L. Kahn, OSC  
**Date:** 4/14/2017  
**Reporting Period:**

1. Introduction

1.1 Background

|                            |              |                                |                |
|----------------------------|--------------|--------------------------------|----------------|
| <b>Site Number:</b>        | A-27A        | <b>Contract Number:</b>        | EP-S2-15-02    |
| <b>D.O. Number:</b>        | 053          | <b>Action Memo Date:</b>       | 3/1/2017       |
| <b>Response Authority:</b> | CERCLA       | <b>Response Type:</b>          | Emergency      |
| <b>Response Lead:</b>      | EPA          | <b>Incident Category:</b>      | Removal Action |
| <b>NPL Status:</b>         | Non NPL      | <b>Operable Unit:</b>          | #1 and #2      |
| <b>Mobilization Date:</b>  | 1/16/2017    | <b>Start Date:</b>             | 1/17/2017      |
| <b>Demob Date:</b>         |              | <b>Completion Date:</b>        |                |
| <b>CERCLIS ID:</b>         | NYR000174755 | <b>RCRIS ID:</b>               |                |
| <b>ERNS No.:</b>           |              | <b>State Notification:</b>     |                |
| <b>FPN#:</b>               |              | <b>Reimbursable Account #:</b> |                |

1.1.1 Incident Category

Abandoned auto salvage junkyard.

1.1.2 Site Description

The Site is a former auto salvage business that became defunct in 2013. Thousands of junked vehicles were crushed and disposed of by an "unknown" party and more than 150+ drums of waste oil and paint wastes were left at the property, mostly in drums left in bunches or individual locations throughout the approximately 100 acres of vacant land comprising the Site. In addition, there are a number of out-buildings that most likely contain drums and tanks of waste oil and other automotive fluids and wastes. In addition to the Site proper, there are approximately 30 drums of waste oil and solvents behind the RPs house, which is contiguous to the junkyard site.

1.1.2.1 Location

The Site is located on approximately 100 acres of predominantly vacant (open) land in Perth, NY. The Site has an access road from State Road 30 that leads directly into the property. There is one residence on the property and a number of enclosed workshops. There are a number of stream running through the Site, and one stream running N-S along the eastern side of the property, almost parallel to Rt. 30 connects with the Mohawk River approximately 8 miles south in Amsterdam, NY. The Mohawk River is a navigable waterway of the US and is part of the Erie Barge Canal System.

1.1.2.2 Description of Threat

All of the drums are deteriorated and rusted and placed either directly on the ground or are staged in the beds of pick up trucks that are lying on the ground. The immediate threat is from an unknown number of leaking and/or overturned drums of waste oil and paint wastes, including paint solvents, leaking directly onto the ground. The secondary threat is from other deteriorated drums that will begin to leak with the coming winter weather. The proximity of a small wetlands and stream running through the Site raises a possibility of a release not only to the ground but into the wetlands.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

A walk through of the site by the OSC and a representative of the NYSDEC in September, 2016, revealed the presence of 100+ drums of automotive waste liquids as described above. The property is owned by the RP but is not being used for any productive purpose. The thousand of junked vehicles that were there as recently as 2013 have been crushed and hauled away, but thousands of gallons of fluids from those vehicles have been left at the Site.

## 2. Current Activities

### 2.1 Operations Section

#### 2.1.1 Narrative

##### **NEW INFORMATION IS IN BOLD FONT- SCROLL DOWN**

This Site was referred to EPA by the NYSDEC on October 4, 2016 for a removal action.

On 10/12 the OSC visited the Fulton County Clerk's office and obtained property deeds and current tax map of the property that makes up the Site. The OSC was informed that the property owner had submitted an application to subdivide 4 2-acre parcels from the largest parcel (75 acres). the Clerk's office was unsure of the status of the application and referred the OSC to the Perth Planning Board.

On 10/13 the OSC has met with the property owner and discussed access. The owner initially refused to sign an access agreement, but after further discussion agreed to reconsider. He promised a decision by next week.

On 10/13 the OSC met with the Perth Town Clerk and obtained copies of the Planning Board's 3-21-2016 meeting minutes. The Board approved the application for sub-division and the property is currently on the real estate market for sale.

On 10/18 the property owner (PRP) granted EPA written access to the Site. In addition he stated to the OSC that he had some drums stacked behind his house that he wanted removed. The OSC found 25 of these drums, some of which are actively leaking, stacked in truck beds and buried in heavy weeds. Inasmuch as these drums are on contiguous properties owned by the PRP, they will be included in the removal action.

On 10/24 -10/26, 2016, under the direction of the OSC, EPA's Removal Support Team (RST) Weston Solutions, conducted a sampling/haz-cating and GPS mapping of the drums and other containers at the Site. On 10/24 RST used a Trimble GPS device to map the location of containers and oil-stained soil locations. The GPS points and descriptive notations will be superimposed on a Google Earth image which will be available in paper and electronic form.

RST also updated the drum count to 180 drums on Operable Unit #1 (the junkyard) and 30 drums on Operable Unit #2 (the RP's residence). On 10/25 and 10/26 RST acquired 11 drum samples for TCLP laboratory analysis and 15 samples for field testing (haz-cating). The field tests revealed the presence of samples with very low flash points (waste gasoline) and chlorinated organic liquids (degreasing solvent); degreasing solvent typically contains trichloroethylene (TCE) or methylene chloride, both of which are CERCLA listed Hazardous Substances. TCE is also a RCRA D040 listed Toxic Waste and possibly a RCRA F001 waste. The presence of hazardous and toxic chlorinated waste is presumptive at this point pending receipt of the TCLP test results. Chemical odors were present at various down-wind locations at the Site, typical of paint thinner, lacquer thinner, or waste paint. Visual observations of some samples suggest the presence of ethylene glycol anti-freeze. Ethylene glycol is a CERCLA listed hazardous substance. Lab samples include what appears to be used/waste oil, possibly used brake fluid, and other automotive fluids.

On 11/14 the laboratory report of the analyses of the 11 samples acquired in October, 2016 was received and reviewed by the OSC. As suspected, all of the samples had high concentrations of volatile and semi-volatile compounds, as well as numerous CERCLA Listed Hazardous Substances. One sample had 500 PPB of methyl-tert-butyl ether (MTBE). Other samples had typical Gasoline Range Organic (GRO) compounds such as octane, nonane, ethyl benzene, naphthalene and mixed xylenes. The lab reports that PCBs or dioxins were not detected. The full analytical report has been added to the Documents section of this web site.

On 11/15 the draft Action Memo was updated to include the analytical results and was forwarded to RPB management for further processing.

On 1/9/17 Task Order #053 was issued to Environmental Restoration LLC for an initial \$100,000. The contractor was then directed by the OSC to be on Site on 1/17 to begin removal operations, consisting of plowing snow from internal roadways to gain access to the drums of automotive fluids at the Site and to begin preparing a drum staging area. The OSC will be on Site as of 1/18. Written notification of the start of removal activities was provided to the Town of Perth and the DEC Region 5 office by the OSC.

On 1/17 the ERRS contractor mobilized a crew to the Site, posted the Site sign, turned on the office trailers and began clearing ice and snow from the Command Post and drum staging areas.

On 1/18 ERRS crew was redirected temporarily to the Carville Leather Site in nearby Johnstown to respond to a release of red dye from the former leather processing building. During this time work proceeded at Dudka's Auto Parts Site, albeit at a reduced level of activity.

During this time ERRS plowed snow from in-Site roadways and CP/drum staging area. ERRS also spread approximately 25 tons of crushed stone in the CP area and built a raised area and berm of stone for a drum staging area. Also during this time supplies and equipment were mobilized to the Site. ERRS began assembling 4 tent enclosures that will be tied together to form a 20' X 60' drum staging area. In this area drums of waste fluids collected from around the Site will be processed for identification and eventual T

& D.

On 1/20 the OSC went to the Perth Town Hall and informed the local authorities that the removal action has commenced.

On 1/26 the OSC located two additional drums of waste fluids inside a garage on the Site and three pails of roofing tar adjacent to a four-season creek. This raises the total drum count to 218.

Alternating cold and moderate weather resulted in frequent freezing and thawing of snow and ice on the Site. This adverse weather has hampered establishing a workable staging area, but nevertheless progress was made in this regard. The full ERRS crew is back on-Site as of 1/27, at which time further work on erecting the tent enclosures has resume.

During the week of 1/30 ERRS attempted to erect tent enclosures over the drum staging area. These efforts were unsuccessful due to high winds; attempt to erect the enclosures will resume at a later time.

Despite very adverse weather conditions, including single digit air temperatures, ERRS was able to retrieve 130 drums from outlying areas of the Site and move them to the drum staging area. Thirteen of those drums required over-packing; all of the drums were placed under plastic sheeting. The OSC had recently discovered two full drums of waste fluids in a garage structure, and ERRS located 4 drums of waste fluids in the fields that had not been included in the original drum inventory. These 6 newly discovered full drums of waste fluids have been added to the drum inventory in the past two weeks, raising the total to 192.

As if this date ERRS has retrieved more than 150 full and partial drums of automotive fluid wastes, over-packed 8 leaking or compromised drums, 3 small above ground storage tanks (one full) and 3 truck saddle tanks (one full). All containers have been staged on poly sheeting in a bermed staging area. See photos for detail. ERRS also retrieved more than 35 empty drums and small storage tanks from around the Site.

This removal action continues to be hampered by severe, intolerant weather in the form of heavy snow, sleet, and subfreezing temperatures. Despite these natural impediments the removal action is progressing, albeit at a reduced degree of productivity. Additional funding to continue this response action has been requested in a draft Action Memorandum.

As of this date ERRS retrieved and staged 180 full/partial drums of automotive fluids. There are 31 drums scattered around the front yard of the property owner (OU#2) that cannot be retrieved at this time as they are frozen to the ground. ERRS removed snow from around these drums and spread salt pellets around the base. This action, plus increasingly moderate temperatures, should allow ERRS to lift the drums free. Once these drums are retrieved that will end the drum collection phase of this removal action.

Many of the 14 drums collected this week were missing bungs or were perforated, and solvent odors were detected yards away, even with air temperatures below 32F. These drums were covered with drum liners to reduce fugitive solvent odors from the drum staging area impacting nearby residents.

In addition to the drums that were retrieved, ERRS collected 18 leaking drums that were over-packed. Efforts to locate additional drums was unsuccessful because the snow is too deep for vehicles to access remote areas of the Site.

The Administrative Record has been compiled by Weston Solutions and sent to the Amsterdam Public Library, the repository for this Admin Record. A public notice announcing the availability of the Admin Record will be published in *The Record News*, a newspaper of general circulation in Amsterdam, NY.

Site removal activities have been suspended for a short time pending receipt of additional removal funds.

On 3/3 an NYSDEC spills responder was checking on the Site and observed that heavy rain and snow melt that week apparently washed some waste solvent out of the drum staging containment berm and onto adjacent soil. Based on his information, the OSC and the DEC decided that there was no threat of any additional release from the containment area, and that there was little to no threat of the material that was released reaching the Bunn Creek, about 30 feet away and slightly up-grade of the farthest point that the spill reached. Consequently it was decided to wait until Monday 3/6 to remove ERRS to the Site to remediate the release.

On 3/6 the ERRS contractor crew returned to the Site at 0700 to continue removal activities. The first task was to shovel the contaminated soil into drums and repair the containment berm. This activity was fully accomplished by 1500 hours on 3/6.

On 3/7 ERRS removed the remaining drums on the PRP's residential property, consisting of 28 full drums, 3 partials and 5 empty drums. All drums were staged in the drum storage area. Sixteen additional full drums were retrieved from remote areas of the Site, and 2 drums (1 empty, 1 full) were retrieved from a debris pile behind Command Post. Total containers retrieved to date are 192 full and partial, 30 overpacked (leaking) drums, 15 empty car gas tanks, and 52 empty drums. This amounts to more than 11,000 gallons of waste liquids.

ERRS constructed a small lined, bermed area where contaminated soil from a release last week is staged. The contaminated soil will be bioremediated on Site, along with visibly contaminated surficial soil i.e. where leaking drums were abandoned.

ERRS chemist will be on Site 3/13 to begin haz-cating drums not previously tested. Drums will then be restaged according to compatible waste streams.

Chemist moved to the Site on 3/13 to begin labeling drums and setting up Drum Trak database. CONEX lab delivered to the Site today and will be hard-wired for the Chemist to haz-cat and store samples.

On 3/13 ERRS located an aged 275 gallon home heating oil tank behind the former office trailer (now junked) that the OSC spotted weeks ago but thought was empty. Tank turned out to be 3/4 full of black, used motor oil. ERRS will transfer the contents to a tote and move the tote into the drum staging area.

On 3/14 heavy snow fall resulted in local road closings and Site ops were shut down for the day. On 3/15 local roads were opened and ERRS mobed to the Site and cleared access roads/Command Post area. On 3/16 a local electrician wired the CONEX lab and the Chemist began sampling/hazcating drums.

On Friday 3/17 the sky cleared and temperature reached 37°F, so the crew was able to make significant headway on drum sampling activities. Chemist has tested 19 drum samples and the FCA has taken over Drum-Trak database updating, freeing the Chemist to focus solely on testing samples.

During the week of 3/20 increasingly moderate weather contributed to increased level of activity at the Site. Melting snow has allowed ERRS to access remote areas of the Site to resume the search for drums. The ERRS chemist completed sampling of 230 drums. The Chemist haz-cated 200 drum samples. ERRS issued a request for bids for an analytical lab for composite sample analysis. a prerequisite to eventual waste disposal. Bid replies have been received and an evaluation of the bids is taking place. ERRS also transferred approx. 100 gallons of waste oil from a fuel tank into a tote. On 3/27 ERRS retrieved 1 full drum from a pile of tires.

On 3/30 the OSC observed two drums inside a house trailer abandoned on the Site. Upon further investigation it was learned 17 drums were found inside the trailer, 3 in a hallway and 14 inside a bedroom area (see cover photo and Images section). One drum was empty, one drum contained an oil/water mixture, and the rest were either full or partially full of waste oil. ERRS removed the end wall of the trailer to expose the drums so they could be safely retrieved. The drums were transferred to the drum staging area where they were sampled and haz-cated.

Also on 3/30 ERRS was breaking up piles of tires and debris to search for hidden drums. In the process of doing this the soil was disturbed and a strong odor of petroleum was noted. MultiRAE readings were 1 - 3 ppm in the *cold* air. A soil sample was moved inside the lab, warmed, and retested. VOC readings were 35 ppm. A second area about 100 feet away was uncovered and a similar odor was observed. MultiRAE readings in the *cold* air near the exposed soil measured VOCs as high as 5.1ppm.

On 3/30 a metal scrap dealer visited the Site and agreed to take all of the RCRA-empty drums and tanks ERRS retrieved. Items will be flattened and staged inside a roll-off for recycling.

On 3/31 ERRS finished haz-cating all containers. Total containers retrieved to date consists of 247drums, 7 small containers, and 4 tanks. Twenty drums initially assigned a drum # proved to be empty or contained only water and were removed from the drum inventory. Detailed information on the waste categories and quantities will be reported in the next POLREP. Analytical lab was selected from 3 bidders. T & D composite samples will be shipped to the lab next week.

On 4/4 ERRS shipped 4 tons of crushed drums and tanks for recycling. ERRS Techs collected 14 lead-acid batteries from around the Site. The batteries will be transported to a recycling center in nearby Gloversville.

On 4/6 the ERRS Chemist completed the process of compositing laboratory samples. The samples were shipped to the lab, the portable lab/CONEX and Chemist were then demobed from the Site. Sample results will be received in 14 days, but an expedited 7-day turn-around-time is being considered.

As of 4/6 the revised drum count is as follows: used oil 102 drums, oil/antifreeze 25 drums, flammable 41 drums, antifreeze 49 drums, oil sludge/solids 20 drums. In addition there are 4 tanks, 8 small containers, and 14 lead-acid batteries.

The OSC is coordinating an event at the Site using ground-penetrating radar (GPR) to investigate allegations that the former owner/operator of the Site buried drums of waste oil. This activity will be subcontracted by Weston Solutions, the EPA prime technical contractor. Tentative date for this event is the week of April 17th.

**During this reporting period ERRS restaged the drums of waste automotive fluids into compatible waste streams pending receipt of the analytical report.**

**Also during this reporting period, EPA's technical contractor, Weston Solutions, awarded a subcontract for a GPR survey of the Site, scheduled to take place next Wed/Thur.**

On 4/12 - 4/13 the ERRS crew moved to the Carville Leather Site to prep/bulk used PPE and poly sheeting into roll-offs for T & D. See the POLREP section on the Carville Leather web site at [www. EPAOSC.net](http://www.EPAOSC.net) for details.

On 4/14 the ERRS crew returned to the Dudka's Auto Parts Site. In connection with the GPR survey, and in order to minimize sources of above-ground metallic interference during the GPR survey, ERRS moved junked cars and miscellaneous metal to the periphery of the Site.

#### **2.1.2 Response Actions to Date**

See above.

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

According to the deeds on file with the County it appears that the property was originally jointly owned by Gary R. Dudka (the father) and Frances Dudka (the mother). Upon her death in 2004

France's share of the property went into a revocable trust, with Paul Dudka (the son) as Trustee. In 2014 (a year after all the junked cars were removed) Paul Dudka sold his mother's share of the property out of the Trust to his father.

2.1.4 Progress Metrics

| <i>Waste Stream</i> | <i>Medium</i> | <i>Quantity</i> | <i>Manifest #</i> | <i>Treatment</i> | <i>Disposal</i> |
|---------------------|---------------|-----------------|-------------------|------------------|-----------------|
| waste oil           | liquid        |                 |                   |                  |                 |
| paint solvent       | liquid        |                 |                   |                  |                 |
| anti-freeze         | liquid        |                 |                   |                  |                 |
| aged gasoline       | liquid        |                 |                   |                  |                 |
| misc. fluids        | liquid        |                 |                   |                  |                 |
| lead/acid battery   | solid/liq     | 15              | n/a               | n/a              | recycling       |
| scrap metal         | solid         | 4 tons          | n/a               | n/a              | recycling       |

2.2 Planning Section

2.2.1 Anticipated Response Activities

Receive analytical results from lab, compile waste profiles, and issue bid requests for transportation and disposal of all waste streams.

2.2.1.1 Planned Response Activities

Initiate field investigation with GPR to identify likely locations of buried drums and other containers of hazardous substances.

Continue staging small amounts of contaminated soil in bermed area for bioremediation.

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

N/A

3.2 Cooperating Agencies

Town of Perth, NY  
NYSDEC

4. Personnel On Site

EPA: 1 OSC

ERRS:: 1 RM, 1 Field Accountant, 2 techs, 1 Equipment Operator,

5. Definition of Terms

No information available at this time.

6. Additional sources of information

No information available at this time.

7. Situational Reference Materials

No information available at this time.

