

**United States Environmental Protection Agency
Region X
POLLUTION REPORT**

Date: Thursday, September 27, 2007

From: Daniel Heister

To: Daniel Heister, USEPA/R10/ECL/ERU Mary Matthews, EPA Region 10 (POLREP List)

Subject: First and Final
Emmert International Corp.
SE 114th Ave., Clackamas, OR

POLREP No.:	1	Site #:	ORQ000023606
Reporting Period:		D.O. #:	
Start Date:	5/20/2007	Response Authority:	CERCLA
Mob Date:	5/23/2007	Response Type:	Time-Critical
Demob Date:	6/3/2007	NPL Status:	Non NPL
Completion Date:	6/3/2007	Incident Category:	Removal Action
CERCLIS ID #:		Contract #	
RCRIS ID #:			

Site Description

On May 22, 2007 Oregon Dept. of Environmental Quality request EPA assistance in the above case. The PRP, Terry Emmert, Emmert International Corp. had accumulated multiple 55 and 5 gallon containers of mostly paint waste that had been illegally dumped on another property. Emmert had generated the waste and paid to dispose of it. The transporter had loaded the waste on a trailer but before it could be sent for disposal the trailer was stolen. A few weeks later the drums were discovered illegally dumped on a local water districts property. Emmert Intl. worked with ODEQ to collect the Drums and the soil contaminated by spilled material. The waste was taken to the SE 114th location owned by Emmert Intl. in November of 2006 and had remained there through May of 2007. ODEQ had tried to work with the company to send it to a disposal facility, but Emmert resisted. They claimed they had already paid for disposal once and they also refused to sign a manifest as a generator. It was at this point ODEQ asked EPA's assistance to help compel Emmert Intl. to properly dispose of the waste. Please see attached RCRA Compliance Inspection Report for more detail.

Current Activities

On May 23, 2007, Mr. Ryan Whitchurch, of Ecology & Environment Inc. (E & E) and a contractor to the Environmental Pollution Agency (EPA) under the Superfund Technical Assistance Response Team contract (START III), was called by EPA On-Scene Coordinator (OSC) Mr. Dan Heister about a roll-off box containing numerous drums of hazardous waste. The box was located at the end of SE 114th Ave. south of SE Jennifer St. in Clackamas, OR. The property is owned by Emmert International. EPA START III member Bryan Ciecko met Mr. Heister at the site. Bryan Ciecko arrived at the site around 1310, Mr. Heister was already at the site. Others on-site included Mr. Bruce Long (EPA), Mr. Robert Noble (Contractor/transporter/A&R Environmental Services), and Mr. Robert Brady (representative for Emmert Intl./Responsible Party).

The roll-off box was situated on a gravel pad near two monitoring wells belonging to the Oregon Department of Environmental Quality (DEQ). The wells were within 200-feet of the box. Also, a small unnamed creek flows roughly ¼ mile to the south of the location of the box. The unnamed creek empties into the Clackamas River about ¾ miles away from the box. Upon arrival, doors at one end of the box were opened revealing a plastic liner on which 30 drums were situated. The drums contained materials not limited to: used oil, antifreeze, paint thinner, oil based paint, Methyl ethyl ketone, transmission fluid and kerosene. The box had a thick black plastic liner with absorbent material spread between the drums to collect leaking fluids. Two 1-cu yd. containers were setting on a black plastic liner outside of the box. The contents of these containers are presumed to be empty containers of thinners/oil/paint etc. According to Mr. Long, prior categorization of the drums was performed by Cowlitz Clean Sweep (CCS). Based CCS's categorization of the 30 drums, 13 of the drums and the two 1-cu yd. containers should be considered as hazardous waste; the other drums contain recyclable used oil.

After an on-site meeting between the involved parties, including Mr. Terry Emmert, owner of Emmert Intl. via cellular phone, Mr. Heister directed Mr. Noble to separate the 15 containers classified as hazardous

waste by CCS into a separate roll-off box lined with plastic and to then cover the box with a metal lid. The drums were to be disposed of no later than Tuesday May 29th. Mr. Heister also directed Mr. Noble the remaining drums (consisting mainly of used oil) be re-classified by an oil recycler (likely Thermo Fluids of Portland, OR) and disposed of properly no later than Friday June 8th. Mr. Noble agreed to the directives and also agreed to send Mr. Heister daily progress reports via email. Mr. Heister also advised Mr. Brady and Mr. Noble that Emmert Intl. needs to acquire a generator number from DEQ. Upon conclusion of the meeting all parties left the site with the exception of Mr. Noble, who stayed on site to begin separating the hazardous waste drums from the used oil drums.

Planned Removal Actions

Continued Meetings needed to be held with Mr. Emmert. Both OSC Heister and EPA R10 Office of Regional Council became involved in persuading Mr. Emmert to remove the waste. Ultimately Mr. Emmert relented and the Drums were properly disposed of.

Next Steps

ODEQ and EPA R10 RCRA program still remain involved in the case.

Estimated Costs *

	Budgeted	Total To Date	Remaining	% Remaining
Extramural Costs				
RST/START	\$400.00	\$400.00	\$0.00	0.00%
Intramural Costs				
USEPA - Direct (Region, HQ)	\$3,000.00	\$3,000.00	\$0.00	0.00%
USEPA - InDirect	\$500.00	\$500.00	\$0.00	0.00%
Total Site Costs				
	\$3,900.00	\$3,900.00	\$0.00	0.00%

* 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.

response.epa.gov/EmmertInternational

POLREP #1 Last Updated 9/27/2007