

U.S. ENVIRONMENTAL PROTECTION AGENCY  
\$250,000 EMERGENCY ACTION MEMO

**Date:** July 18, 2007  
**Subject:** American Drum & Pallet Site  
Memphis, Shelby County, Tennessee  
**From:** Steve Spurlin, On-Scene Coordinator  
Emergency Response and Removal Branch  
**To:** Regional Response Center, 4WD-ERRB  
Shane Hitchcock, Chief, ERRB  
Anita Davis, Chief, Removal & Oil Section  
Tennessee Department of Environment & Conservation

**SITE:** American Drum + Pallet  
**BREAK:** 2.9  
**OTHER:** \_\_\_\_\_

**I. PURPOSE**

The purpose of this document is to document the decision to initiate emergency response actions described herein for the American Drum & Pallet Site located in Memphis, Shelby County, Tennessee, under the On-Scene Coordinators (OSC) \$250,000 authority.

**II. BACKGROUND**

**Site No:** A4QQ  
**TO Amount:** \$30,000  
**Contractor:** US Environmental Services  
**CERCLIS No:** TND007029200  
**Response Authority:** CERCLA  
**State Notification:** 7/11/07  
**Demobilization Date:** 7/12/07(1st Phase)  
**NPL Status:** Non-NPL  
**Start Date:** 07/11/07  
**Completion Date:** TBD

**III. SITE INFORMATION**

- A. Incident Category:** (check one)
- Active Production Facility
  - Inactive Production Facility
  - Active Waste Management Facility
  - Inactive Waste Management Facility
  - Midnight Dump
  - Transportation Related
  - Other (specify)



**B. Site Location****1. Site description****a. Removal site evaluation**

The American Drum & Pallet Site is a operational pallet and drum recycling facility located on a multi-parcel property at 806 Walnut Street, Memphis, TN. According to the owner, the facility receives RCRA empty drums for reconditioning.

On February 22, 2007, personnel with the Tennessee Department of Environment & Conservation (TDEC) Division of Solid Waste Management (DSWM) in the Memphis Environmental Field Office (MEFO) received a complaint from a building inspector with the Memphis Fire Department regarding American Drum & Pallet Company (ADPC), located at 806 Walnut Street, Memphis, TN, 38106. The complaint pertained to the storage of unknown materials and concern about conditions observed at the facility. Specifically, the inspector mentioned observing an estimated fifty 15-gallon plastic containers stored at the site. At least one of these containers was labeled with a DOT "Poison - 6" label for "Methyl Parathion." Additionally, the inspector mentioned an estimated fifty drums with labels describing a herbicide product, "Rice Shot".

DSWM personnel visited the site on March 19, 2007, to conduct a hazardous waste inspection. A walk through was conducted within the buildings and outside areas. During the inspection, DSWM staff observed three piles of material placed on the ground outside of the buildings. Materials observed within these piles included plastic 55-gallon and 200-gallon totes, fiberboard drums, metal 55-gallon drums, lids, rags and wooden pallets. Facility personnel indicated that these piles were present at the facility as a result of a facility clean up. In addition to the debris piles, DSWM personnel observed an estimated 118 containers holding material stored at several areas inside of the buildings and within a trailer. At the time of the site visit, facility personnel were not certain of the contents of the containers and material contained in the debris piles.

On June 27, 2007, the Tennessee Department of Environment & Conservation (TDEC) contacted EPA regarding conditions at the facility. Citing concerns about a potential release to the environment from the containers and the uncontained waste on-site, TDEC requested EPA conduct a Removal Site Evaluation.

On July 11, 2007, EPA On-Scene Coordinators, Steve Spurlin and Subash Patel, assisted by EPA START contractor TTEMI initiated a Removal Site Evaluation at the facility. During the site walk through, the OSCs observed numerous 55 gallon drums. Many drums were leaking and in poor condition. Stained soils and pooled oily liquids were noted at several areas near the drums. Dead vegetation was noted along the drainage pathway leading off-site from the property. Flammable and corrosive stickers were noted on many drums. Many of the drums were stored outside and exposed to the weather. The facility fencing was significantly damaged allowing easy site access. The drums were within 100 feet of a residential home where young children were observed playing. Air monitoring of the drums indicated high levels of volatile compounds.

Because the Site meets the NCP criteria for a time critical removal under 40 CFR 300.415, and the owner was unable to undertake the necessary actions, the OSC initiated an emergency response under the OSC's warrant authority.

b. **Physical location and Site characteristics**

The Site is located at 806 Walnut Street, Memphis, Shelby County, Tennessee. The Site is located in a mixed light industry and residential area. A home is located within fifty feet of the facility. Small children were observed at the residence during the site evaluation. The Site is unsecured. Drums and containers of varying size are scattered in buildings and around the property. Many of the drums were leaking suspected hazardous substances. Dead vegetation was observed along several drainage pathways leading from areas where drums were stored. Drainage from one area of the Site flows through the backyard of a nearby home. Flammable and corrosive stickers were noted on numerous drums.

c. **Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant**

There are an estimated 250 drums and containers at the Site. The OSC observed several spills of suspected hazardous substances. Stained soils and pooled oily, discolored liquids were noted at several areas of the Site, including liquids draining to a storm drain that discharges off-site. Many drums were leaking or had open tops allowing the contents to pose a threat of release. Field testing verified some containers to contain flammable or corrosive materials indicative of hazardous substances. Some containers had to be over packed due to their poor condition, which posed a threat of continued release if not re-containerized.

d. **Maps, pictures, and other graphic representations**

Maps, pictures, and other graphic representations can be made available upon request.

**2. Description of threat**

Explanations of how this release or threat of release meets the criteria for threats to public health or welfare or the environment in section 300.415 (b)(2) of the NCP are discussed below.

a. **300.415(b)(2)(i) "Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants"**

Approximately two hundred fifty 55 gallon drums are staged on the property. Field testing of many of these drums indicating organic vapor readings in the 1000's of parts per million. These elevated readings are indicative of volatile, often flammable, compounds. A home with small children is located in very close proximity to the drums. A solvent odor was noted near many of the drums. Nearby residents face potential exposure to volatile vapors which may migrate off-site. If flammable liquids in the containers should ignite, potentially harmful fumes could release off-site posing a threat to the nearby human population located at surrounding homes and businesses. Areas of dead vegetation were observed outside the fence-line where storm water flows from on-site areas where leaking drums and stained soils are

present. One area of runoff flows overland through the backyard of a nearby home. Oily, discolored liquids were present in a drainage area that discharges off-site via a piped storm sewer.

**b. 300.415(b)(2)(iii) "Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release"**

Approximately two hundred fifty 55 gallon drums are staged on the property. Field testing of many of these drums yielded organic vapor readings in the 1000's of parts per million. These elevated readings are indicative of volatile, often flammable, compounds. A solvent odor was noted near many of the drums. Many drums were leaking, damaged, or had open tops allowing the contents to pose a threat of release. Field testing verified some containers to contain flammable or corrosive materials indicative of hazardous substances. Some containers had to be over packed due to their poor condition, which posed a threat of continued release if not re-containerized. Label information indicated that the drums currently or previously may contain flammable and corrosive materials.

**c. 300.415(b)(2)(vi) "Threat of fire or explosion"**

Many of the containers were labeled as containing flammable material. Solvents and thinners typically contain highly flammable liquids. Field readings indicated high levels of volatile organic vapors in some drums, and field tests confirmed some liquids to be flammable. Temperatures have been above normal which could heat the drum contents posing a threat of releasing volatile fumes which may ignite, potentially exposing residents living in the area to hazardous substances. Some containers were labeled as corrosives. Field testing verified the presence of corrosive materials which could react with flammable or organic materials on-site resulting in a fire which may release hazardous fumes.

#### **IV. RESPONSE INFORMATION**

##### **A. Situation**

##### **1. Current situation**

EPA utilized an environmental contractor to retrieve and stage the drums from the various areas of the Site. Drums were over packed as necessary, and secured as effectively as possible under current site conditions. Samples were collected to help characterize the material.

##### **2. Removal activities to date**

##### **a. Federal Government/Private Party**

EPA OSC Spurlin initiated an emergency removal action on July 11, 2007. EPA hired environmental contractor, USES, to collect the containers, assist with sampling, and arrange for disposal, as necessary. EPA contractor, TTEMI, assisted with site documentation, sampling, and field testing.

### 3. Enforcement<sup>1</sup>

2 9 0005

An EPA Region 4 enforcement team has been assigned to investigate any potential enforcement actions.

#### B. Planned Removal Actions

##### 1. Proposed action description

The specific tasks involved in the proposed response to the threats include:

- Collection and temporary on-site staging of containers. This action was completed July 12, 2007;
- Remediation of observed on-site spills;
- Sampling and testing of waste to determine the specific nature of material;
- Off-site disposal of hazardous substances in compliance with Federal regulations including the CERCLA off site rule.

##### 2. Contribution to remedial performance

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the site.

##### 3. Description of Alternative Technologies

N/A

##### 4. ARARs

The Federal ARARs identified for the site include:

RCRA Treatment, Storage and Disposal  
RCRA Transportation  
DOT  
OSHA

##### 5. Project schedule

The initial emergency action to collect, stage, and sample some of the drums was completed on July 12, 2007. The waste will remain on-site pending analysis and disposal. Additional removal site activities such as sampling, bulking, re-packaging containers, and excavating impacted soils may be required. Once those actions are completed all waste will be shipped off-site.

#### V. COSTS

**Extramural Costs:**

	<u>Ceiling</u>	<u>To Date</u>
ERRS	\$200,000	\$0
USES	\$30,000	\$10,000
START	\$20,000	\$8,000
<b>TOTAL PROJECT CEILING</b>	<b>\$250,000</b>	

The Project Ceiling has been approved by the OSC as documented in this Action Memo/ Initial Pollution Report. 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. 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.

Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgement interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of the removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

**VI. DISPOSITION OF WASTES**

Disposal analysis will be conducted on waste as appropriate in order to identify potential disposal options.

**VII. ENDANGERMENT DETERMINATION**

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in this Action Memorandum, present an imminent and substantial endangerment to public health, welfare, or the environment.

**VIII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

A delay in action or no action at this Site would increase the actual or potential threats to the public and the environment. The waste remains on-site pending disposal. The Site remains accessible, and although measures have been taken during the response to better secure the drums, they remain in poor condition and exposed to heat and moisture which can deteriorate the containers further. Delay in action would increase the chance of release of material and exposure to on-site workers or nearby residents.

**IX. OUTSTANDING POLICY ISSUES**

None

**X. APPROVAL**

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and not inconsistent with the National Contingency Plan. This decision is based on the administrative record for the Site.

Conditions at the site meet the NCP section 300.415(b)(2) criteria for a removal and through this document, I am approving the proposed removal actions. The total project ceiling is \$250,000, of which, \$200,000 will be funded from the Regional removal allowance.

Steve Spurlin  
Steve Spurlin  
Federal On-Scene Coordinator

7-18-07  
Date