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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

IN THE MATTER OF:

Pike County Drum Site,  
Pike County, Mississippi

Luther McCallister d/b/a  
Satsuma Oil Company  
26294 S. Satsuma Road,  
Livingston, CA 70754

Maggie Holden  
P.O. Box 310  
Osyka, MS 39657  
Respondents

PROCEEDING UNDER SECTION  
106(a) OF THE  
COMPREHENSIVE  
ENVIRONMENTAL RESPONSE,  
COMPENSATION, AND  
LIABILITY ACT OF 1980,  
42 U.S.C. § 9606(a).

EPA Docket No.: 91-37-C

ADMINISTRATIVE ORDER

I. JURISDICTION

The following Order is issued on this date to Luther McCallister and Maggie Holden, Respondents, pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499). This Order is issued under authority delegated to the Administrator of the United States Environmental Protection Agency (EPA) by Exec. Order No. 12580 (January 23, 1987), 52 Fed. Reg. 2923 (January 29, 1987), and further delegated to the Regional Administrator of Region IV, EPA, and redelegated to the Director, Waste Management Division. Notice of the issuance of this Order has been given to the State of Mississippi.

EPA has determined that there may be an imminent and substantial endangerment to the public health or welfare or the environment due to the release or threat of release of hazardous substances as defined in Section 101(14) of CERCLA, as amended, 42 U.S.C. § 9601(14), from the following location:

Pike County Drum Site  
State Line Road  
Osyka, Pike County, Mississippi 39657

This Order directs Respondents to undertake action to protect the public and the environment from this endangerment.

## II. FINDINGS OF FACT

For the purposes of this Order, EPA finds that:

- A. The site is currently owned by Respondent Holden. The site is operated by Respondent Luther McCallister, for Satsuma Oil Company, as an unauthorized hazardous waste storage facility.

In 1988, Respondent McCallister began utilizing the site for storage of waste oil which was collected from various facilities in Louisiana and Mississippi.

- B. The facility is located approximately three miles east of the town of Osyka, Mississippi, within Pike County, just off State Line Road. Private residences are within several hundred feet of the facility as are drinking water wells for these homes. Drainage from the facility flows to McNab Creek to Chitto Creek to the Tangipahoa River.

The site currently has over 120 drums of hazardous substances (see paragraph D of this section) in various stages of deterioration. Additionally, four bulk storage tanks (50,000 gallons each) are present onsite. Two of these tanks are full of hazardous substances and the other two tanks contain a total of 20,000 gallons of hazardous substances.

The Mississippi Bureau of Environmental Quality (MSBEQ) has issued verbal and written orders to the Respondents to cease and desist operations at the site. State officials also requested that the Respondents take action to remove and properly dispose of the hazardous substances found onsite. The Respondents has yet to conduct these activities due to a lack of financial funding.

- C. In April 1988 the MSBEQ sampled twenty-one of the drums and all four bulk storage tanks. Analytical results revealed a variety of hazardous substances within these containers.

D. Analytical results obtained by MSBEQ are summarized as follows:

<u>Hazardous Substance</u>	<u>Concentration</u>	<u>Sample Point</u>
Naphthalene	330 ppm	Composite sample of all four tanks for semi-volatiles, PCBs and metals
Phenanthrene	66	
Fluoranthene	50	
Pyrene	145	
Chromium	28	
Benzene	131	Composite sample of drums (21) for volatiles, semivolatiles, PCBs and metals
Toluene	268	
Ethylbenzene	82	
Xylene	305	
Acetone	287	
4-Methyl, 2-Pentanone	120	
Styrene	46	
Naphthalene	134	
Fluorene	125	
Phenanthrene	418	
Fluoranthene	125	
Pyrene	180	
2-Methylnaphthalene	177	
Chromium	42	
Lead	500	
Mercury	1.6	
Nickel	16	
Benzene	280	Tank 1 sample for volatiles
Toluene	787	
Ethylbenzene	520	
Xylene	2140	
Styrene	56	
1,1,1-Trichloroethane	56	Tank 2 sample for volatiles
Benzene	196	
Tetrachloroethene	46	
Toluene	1270	
Ethylbenzene	373	
Xylene	1810	
4-Methyl, 2-Pentanone	33	
Styrene	59	

<u>Hazardous Substance</u>	<u>Concentration</u>	<u>Sample Point</u>
Chloroform	79 ppm	Tank 3 sample for volatiles
1,2-Dichloroethane	40	
1,1,1-Trichloroethane	116	
Tetrachloroethene	140	
Toluene	1200	
Ethylbenzene	1240	
Acetone	82	
2-Butanone	46	
2-Methyl, 2-Pentanone	145	
Styrene	1200	
Benzene	600	Tank 4 sample for volatiles
Tetrachloroethene	140	
Toluene	1500	
Ethylbenzene	548	
Xylene	1930	
Styrene	697	

- E. The facility is currently non-operational in that no personnel are onsite except when the bulk tanks are being filled or emptied. No fence to control site access is present; valves on tanks are unlocked; and the diked area around the tanks has a manually operated valve which is not maintained. In summary, site security does not exist at the site.

### III. CONCLUSIONS OF LAW

- A. The Site is a facility as defined in Section 101(9) of CERCLA, as amended, 42 U.S.C. § 9601(9).
- B. Respondents are "person" as defined in Section 101(21) of CERCLA, as amended, 42 U.S.C. § 9601(21).
- C. Polynuclear Aromatic Hydrocarbons, Chromium, Benzene, Ethylbenzene, Toluene, Xylene, Acetone, Styrene, Lead, Mercury, Nickel, 1,1,1-Trichloroethane, Tetrachloroethylene, Chloroform, 1,2-Dichloroethane are hazardous substances as defined in Section 101(14) of CERCLA, as amended, 42 U.S.C. § 9601(14).
- D. The past, present or potential migration of hazardous substances from the Site constitute an actual or threatened release as defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

#### IV. DETERMINATION

Based on the foregoing Findings of Fact and Conclusions of Law, and the entire record of this proceeding, the Director of the Waste Management Division has determined that:

- A. The release or threat of release of hazardous substances at the Site may present an imminent and substantial endangerment to the public health or welfare or the environment.
- B. In order to protect the public health or welfare or the environment, it is necessary that action be taken to abate the release or threat of release of hazardous substances from the facility into the environment.
- C. The actions required in this Order are consistent with the National Contingency Plan, 40 C.F.R. Part 300 et seq.

#### V. ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and Determinations, Respondents are hereby ordered and directed to undertake the following activities, pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a):

- A. Respondents shall initiate no later than ten (10) days after receipt of this Order, and shall complete within one hundred and twenty (120) days after receipt of this Order, the following measures which shall be undertaken at the direction of EPA through its On-Scene Coordinator (OSC):

1. Segregate and categorize all chemicals and related materials by compatibility group such as; acids, bases, organic solvents, and other appropriate categories. This shall be done for all drummed and bulk tank waste materials.

2. Sample chemicals and related materials to determine disposal options. Samples of the surrounding soils in drum storage and tank areas shall be collected and analyzed for Target Compound List (TCL) substances.

3. Investigate the underground tank located north of floor slab for the former boiler house. Subsurface samples at no less than four points shall be collected at depth intervals of one foot below surface level (BLS), three feet BLS, six feet BLS and nine feet BLS and analyzed for TCL substances. Samples of the tanks contents shall also be collected and analyzed for the same TCL compounds.

4. Arrange for the transportation and disposal of the hazardous substances at an approved hazardous waste treatment, storage, or disposal facility in compliance with EPA's Offsite Disposal Policy. Written notice shall be given to EPA concerning all phases of this disposal, including the name and address of the facility or facilities to which the hazardous substances are transported 15 days prior to initiation.

5. Decontaminate chemical contact surfaces of all piping and tanks left onsite. Render these tanks unusable by cutting or dismantling or provide a method that will prevent unauthorized use of these tanks.

- B. Prepare and submit a work plan for identification, removal, transportation and disposal of the hazardous substances and/or waste identified in Section A. above within thirty (30) days of the effective date of this Order. EPA may determine that the above workplan(s) are deficient and require revisions. Within five (5) days of the receipt of any EPA notice of workplan deficiency, the Respondents shall submit a revised contamination assessment workplan and/or a site cleanup workplan to EPA for review and approval. The above revised workplan(s) shall include corrections of all deficiencies contained in the above notice(s) of deficiency. If Respondents fail to make the required revisions, EPA retains the right to assume responsibility for the site cleanup and to carry out the provisions of this Order.
- C. All activities undertaken by Respondents pursuant to this order shall be performed in accordance with all applicable, relevant and appropriate federal, state, and local laws to the extent practicable given the exigencies of the situation as determined by the OSC.
- D. Upon request by EPA, Respondents shall provide EPA the opportunity to split samples of any samples collected in accordance with the requirements of this Order.
- E. Respondents shall provide access to the Site to EPA and its employees, contractors, and consultants for the purposes of overseeing the implementation of this Order.

- F. All activities performed pursuant to this Order shall be under the direction and supervision of a qualified professional engineer or other qualified professional with expertise and experience in hazardous waste site cleanup. Respondents shall notify EPA as to the identity of such engineer or other professional and of any contractors and subcontractors to be used in the implementation of this Order in advance of their work at the Site. EPA reserves the right to disapprove of any engineer or other professional selected by the Respondents.
- G. Respondents shall use quality assurance, quality control, chain-of-custody, and manifest procedures in accordance with the applicable EPA guidance throughout all activities. Respondents shall consult with EPA in planning, sample collection, analysis, and transportation and disposal of the hazardous substances at the Site. Respondents shall provide a quality control report to EPA which certifies that all activities have been performed as approved by EPA.
- H. Respondents shall preserve all records developed pursuant to the implementation of this Order for a period of at least six (6) years following completion of all work conducted by Respondents pursuant to this Order.
- I. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as necessary to abate the endangerment posed by conditions at the Site.
- J. In the event that the OSC determines that activities implemented by Respondents are not in compliance with this Order or that any other circumstances or activities are creating an imminent and substantial endangerment to the public health or welfare or the environment, the OSC may order Respondents to halt further implementation of this Order for such period of time as is necessary to abate the endangerment. In addition EPA may carry out all activities pursuant to this Order and such other activities as it deems necessary and consistent with the NCP.

VI. RELATIONSHIP BETWEEN THE UNITED STATES AND RESPONDENT

- A. Neither the United States nor any agency thereof shall be liable for any injuries or damages to persons or property resulting from acts or omissions of Respondents, his/her employees, agents, servants, trustees, successors, or assigns, or of any persons, including but not limited to firms, corporations, contractors, or consultants, engaged in carrying out activities pursuant to this Order, nor shall the United States or any agency thereof be held out as a party to any activities undertaken pursuant to this Order.
- B. All submittals and notifications to EPA pursuant to this Order shall be made to Charles H. McPherson, On-Scene Coordinator, United States Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365.
- C. This Order shall apply to and be binding upon the parties to this action, their agents, employees, successors, assigns, and contractors.
- D. Nothing herein shall constitute or be construed as a satisfaction or release from liability for Respondents, his agents, contractors, lessees, successors, or assigns, for any conditions or claims arising as a result of past operations or ownership of the site.
- E. Nothing herein shall constitute or be construed as special notice pursuant to Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), and this Order does not invoke the negotiation moratoria set forth in that subsection.

VII. EFFECTIVE DATE

This Order is effective upon receipt. All times for performance of response activities shall be calculated from that date.

VIII. NOTIFICATION OF INTENTION

With respect to the actions required above, you must notify EPA in writing within ten (10) calendar days of receipt of this Order of whether you intend to comply with the terms of this Order. If you do not notify EPA in writing within the specified time period, EPA may thereafter commence the response action under Section 104(a) of CERCLA, 42 U.S.C. § 9604(a), or take action against you under Section 106 of CERCLA, 42 U.S.C. § 9606.



IX. OPPORTUNITY TO CONFER

You may, within ten (10) calendar days after receipt of this Order, request in writing a conference to discuss this Order and its applicability to you. At any conference held pursuant to your request, you may appear in person, and you may be represented by an attorney or other representative for the purpose of presenting any objections, defenses, or contentions regarding this Order. If you desire such a conference, please contact Mary Ardoff, Assistant Regional Counsel, United States Environmental Protection Agency, Region IV, Office of Regional Counsel, 345 Courtland Street, Atlanta, Georgia 30365.

X. PENALTIES FOR NON-COMPLIANCE

Violation of this Order through failure to comply with any provision herein or otherwise may be enforceable pursuant to Sections 106(b) and 113(b) of CERCLA, 42 U.S.C. §§ 9606(b) and 9613(b). Failure to comply may also subject Respondents to civil penalties of not more than \$25,000 per day and punitive damages in an amount three times the costs incurred by the United States as a result of such failure, as provided in Sections 106(b) and 107(c)(3) of CERCLA, 42 U.S.C. §§ 9606(b) and 9607(c)(3). Nothing herein shall preclude EPA from taking such other actions as may be necessary to protect the public health and welfare or the environment and recovering the costs thereof.

The United States Environmental Protection Agency:

BY: 

Donald J. Guinyard, Acting Director  
Waste Management Division  
U.S. EPA - Region IV  
345 Courtland Street, N.E.  
Atlanta, Georgia 30365

Dated this 4<sup>th</sup> day of September, 1991