



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10 Emergency Response Unit
1200 Sixth Avenue
Seattle, Washington 98101**

22 December 2004

**ACTION MEMORANDUM FOR REMOVAL ACTIONS
WITH COST CEILING LESS THAN \$200,000**

FINDINGS OF IMMINENT AND SUBSTANTIAL ENDANGERMENT

**Colville Post and Pole, Inc
Colville, Washington**

Based on the factors listed below, I have determined that an imminent and substantial endangerment to the public health, welfare, or the environment exists because of an actual or threatened release of a hazardous substance at and from this site. The removal actions necessary at Colville Post and Pole, Inc. are expected to be implemented during two phases. The Phase I scope of work identified in this Action Memo consists of actions needed to secure the facility, restrict access, and stabilize the hazardous substances onsite when the owner ceases operations at the facility in January 2005. For Phase II of the removal action, the current Action Memo will be amended, in early 2005, to document actions necessary to address pentachlorophenol (PCP), dioxin, and diesel contamination in soil and groundwater.

I. SITE INFORMATION

Site Name: **Colville Post and Pole, Inc.**

Site Number: **10CL** CERCLIS Number: **WAN001002608**

Site Location: **369 Highway 395 North, Colville, Washington 99114**

Responsible Party and Owner

Name: **Eugene Springs** Telephone: **509-684-6363**

Address: **369 Highway 395 North
Colville, WA 99114**

Access: _____ Restricted XXX Unrestricted

NPL Status: **To be determined. Removal Program will coordinate with Site Assessment Unit about activities needed to make determination.**

Removal Starting date: **January 10, 2005**

II. THREAT TO THE PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT

A. Site Background

Colville Post and Pole, Inc. (CPPI), located approximately four miles outside of Colville, Washington, is a wood-treating facility that uses pentachlorophenol/diesel (PCP) treating solutions to manufacture predominantly PCP-treated fence posts and rails. Wood-treating operations have occurred on the 23-acre site for approximately 40 years under several different owners and companies. Wood-treating operations at this location consist of heated solution dip tanks and an adjacent drip pad with treated wood product being stored over soil in various locations in the yard. The Site is located within 200 feet of the Colville River and its associated riparian ecosystem and habitats for threatened species. Bald eagles are listed *threatened* under the Endangered Species Act and are known to utilize the Colville River corridor for nesting, feeding, and migrating purposes. The river is a tributary to Lake Roosevelt (the Upper Columbia River), currently under investigation with the Remedial Program for impacts from contaminated sites within the drainage area. The Colville River is utilized as a sport fishery for rainbow trout, brown trout, brook trout, and walleye. Washington State fishing regulations allow for human consumption of these fish species.

Over the past 15 years, Washington State Department of Ecology (Ecology) has provided CPPI and owners Resource Conservation and Recovery Act (RCRA) oversight during facility upgrades and several release incidents of PCP/diesel from piping, drip pads, and ruptured ASTs. In August 2000, The Confederated Tribes of the Colville Reservation (CCT) petitioned the US EPA Region 10 Site Assessment Unit to conduct a Preliminary Assessment of the Site. The Site Assessment Unit referred the site to EPA RCRA because it was an operating facility. Because of history of releases at the Site and known SPCC compliance issues, EPA RCRA coordinated with EPA ERU in October 2002, and conducted a Removal Site Evaluation (RSE) of CPPI and found PCP, dioxin, and diesel contamination in surface and subsurface soils, in groundwater, and in surface water. A SPCC inspection of the PCP/diesel tanks and a review of the facility's SPCC Plan found CPPI to be out of compliance with the SPCC regulations. In a December 2002 memo, Ecology asked EPA Region 10 to take the inspection and enforcement lead at CPPI based on the CCT petition, Ecology's lack of SPCC regulatory authority, and recent precedent for EPA taking the lead at wood treatment sites. On April 25, 2003, EPA issued a Notice Of Violations (NOV) to CPPI for various violations of the State's authorized dangerous waste regulations. On August 20, 2003, and May 20, 2004, EPA RCRA and CERCLA Removal again inspected CPPI. Findings from the previous inspections were supported. On August 19, 2004, EPA issued CPPI a letter outlining the various violations of RCRA, the Clean Water Act SPCC requirements, and the need to undertake additional assessment and cleanup activities under CERCLA to address contamination at the Site.

During Fall 2004, CPPI made the decision to cease operations at the facility by December 31, 2004 instead of undertaking Clean Water Act SPCC facility and plan upgrades, RCRA corrective actions, and further CERCLA assessment and cleanup. The RP indicated in conversations to EPA that he will maintain site security until EPA mobilizes to the Site for Phase I activities.

B. Hazardous Substances Present

The majority of the site is not fenced allowing for unrestricted access by the public and

trespassers with unfettered access to the treatment area and its process storage and dip tanks, pumps, and piping. Findings from the RSE have shown actual releases of PCP, dioxins, and diesel to surface and subsurface soils, and surface and groundwater. Site inspections have documented poor housekeeping practices resulting in PCP/diesel contamination on equipment, the drip pad, and treatment building surfaces throughout the process area. It is anticipated that with the Owner's closure of the facility in January there could be as much as 1000-gallons of PCP/Diesel treating solution and six to ten 55-gallon drums of PCP- and dioxin-contaminated sludges and debris constituting a potential threat of release.

C. Nature of Actual or Threatened Release of Hazardous Substances

The following checked applicable factors (from 40 CFR 300.415) were considered in determining the appropriateness of a removal action:

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

The hazardous substances found at this PCP wood-treater poses a threat to human health via direct contact (ingestion, dermal) with liquids and sludge and contaminated equipment and surfaces in the Treatment Building Area. The threat of a release of liquids and sludge from the treatment and storage tanks and drums, and from the drip pad could occur as a result of vandalism or human error. There is unrestricted access to the site as well as to the operational area of the treatment building where the majority of hazardous substances are used and waste is stored. The area surrounding the site is sparsely populated with mixed residential, agricultural, and industrial land use. Six households are located within 0.25 miles of the site.

Actual or potential contamination of a drinking water supply or sensitive ecosystems [300.415(b)(2)(ii)].

A release could occur from the Treatment Area via overland flow to surface water in a nearby pond with subsequent direct discharge to the adjacent Colville River. There are drinking water and irrigation intakes down river from the site and the public participates in recreational activities (fishing, swimming, boating) in the river near and down river of the site. The Colville River may also be impacted by contaminated groundwater migrating off the site. The Site is located within 200 feet of the Colville River and its associated habitats for threatened species. Bald eagles are listed *threatened* under the Endangered Species Act and are known to utilize the Colville River corridor for nesting, feeding, and migrating purposes. A bald eagle nest is known to exist along the banks of the Colville River within 0.5 miles of the Colville Post and Pole site. Bald eagles are known to feed on fish from the Colville River. The Colville River drains into Lake Roosevelt (the Upper Columbia River), which may provide habitat for the ESA listed threatened bull trout and is currently under investigation with the Remedial Program for impacts from contaminated sites within the drainage area. Due to the site's proximity to the Colville River a portion of the site contains wetlands with open water at certain

times of the year. These open water areas may provide important habitat for migrating water fowl.

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

It is anticipated that with the Owner's closure of the facility in January there could be as much as 1000-gallons of PCP/Diesel treating solution and six to ten 55-gallon drums of PCP- and dioxin-contaminated treatment sludges and debris in the thermal tanks, various drums, and in the drip pad area constituting a potential threat of release.

X High levels of hazardous substances or pollutants in soils [300.415(b)(2)(iv)].

Previous Ecology and RP investigations have found PCP and diesel-contaminated soils and groundwater. The RSE found PCP, dioxin, and diesel contamination in soils and groundwater throughout the site. Excavation and treatment of contaminated soils and product removal from the groundwater will occur later in the year and will be detailed in the Phase II Action Memo.

X Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].

The greatest amount of precipitation occurs in the winter and spring in the area around Colville. The site owner indicated that periodic flooding occurs in the Colville River during the winter and spring with rising waters entering the site via surface water drainage features. Evidently, the waters have risen to a high level resulting in treated wood products breaking loose from their storage locations and floating to the inland edge of the site.

 Threat of fire or explosion [300.415(b)(2)(v)].

X The availability of other appropriate Federal or State response mechanisms to respond to the release [300.415(b)(2)(vii)].

There are no other Federal, State, or Tribal response mechanisms available to respond to this site in a prompt manner. In a December 2002 memo, Ecology asked EPA Region 10 to take the inspection and enforcement lead at CPPI.

X Other situations or factors that may pose threats to the public health or welfare or the environment.

The RP has indicated that he will cease operations on December 31, 2004 and would like to turn over control of the site to EPA. The RP also indicated that he is unable to arrange and pay for site security and waste liquids/sludge stabilization and thus would only be able to secure the wastes in out-of-compliance tanks and piping. In addition, the RP has stated his intention to auction off the majority of the buildings and equipment that were not part of the treatment process, even though the

extent of PCP and Dioxin contamination of these articles is unknown and may thereby present a human health threat of exposure.

PRP unknown.

PRP given opportunity to conduct removal and has declined.

The RP was given the opportunity to perform the CERCLA actions to address releases and site contamination and to fulfill the necessary CWA SPCC requirements to upgrade the facility and reduce the threat of potential releases. The RP declined, citing inability to pay and his intention to cease operations at the facility.

State/Local personnel unavailable or unable to handle situation.

In a December 2002 memo, Ecology asked EPA Region 10 to take the inspection and enforcement lead at CPPI.

Explain: Factors considered appropriate for this time-critical removal action include: the RP's lack of technical ability and funding to secure the site, the lack of funding from state and federal sources and the State's request for EPA to take the lead role, the presence of PCP/dioxin/diesel liquids and sludge in non-compliant tanks and piping, the close proximity of the waste to a migration pathway, and the public's unrestricted access to the contaminated site.

III. ENDANGERMENT DETERMINATION:

The Director of the Office of Environmental Cleanup has determined that the site conditions: 1) present an immediate risk to public health or welfare or the environment; and 2) present a situation where assistance from other government agencies or responsible parties will not otherwise be provided on a timely basis. Actual or threatened releases of hazardous substances from this Site present an imminent and substantial endangerment to public health, or welfare or the environment.

IV. SELECTED REMOVAL ACTION:

The OSC, and the ERRS and START contractors will mobilize to and take control of the site on January 10, 2005. ERRS will arrange for removal, transportation, and disposal of all liquids and sludge from the site; close, lock-out, secure all valves, piping, etc against vandalism; arrange for continuing utility service; arrange for utility locate and site survey; install fencing to restrict access; arrange for site security; and other duties as requested by the OSC to secure the facility until the Phase II removal action commences. START will provide technical assistance, including but not limited to: collect soil samples to refine the extent of contamination boundaries, develop and test the field analytical strategy, evaluate alternate removal and treatment strategies, collect wipe samples of equipment intended for auction to determine presence/absence of contamination.

V. APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS (ARARS):

The NCP at 40 CFR § 300.415 requires that removal actions shall, to the extent practicable considering the exigencies of the situation, attain ARARs under federal environmental, state

environmental, or facility-citing laws. The following are the federal ARARs identified for this action.

Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. §§ 6901 et seq., and its implementing regulations codified in Chapter 260 through 265, and 268 of the Code of Federal Regulations (CFR), including but not limited to the following specific requirements identified at this time:

40 CFR §§ 261.10 and 261.24, relating to characteristics of hazardous wastes including the toxicity characteristic;

40 CFR §§ 262.20, 262.21, 262.22, 262.23, 262.30, 262.31, and 262.32, relating to hazardous waste manifesting and labeling requirements prior to transportation of hazardous waste off-site;

40 CFR §§ 263.20 and 263.21, relating to off-site transport of hazardous waste (handling and manifesting requirements);

40 CFR § 265.272(a-e), relating to prevention of surface water run-on and collection and control of surface water run-off at a land treatment unit;

40 CFR Part 268, relating to off-site and on-site land disposal restrictions for hazardous wastes;

40 CFR § 300.440, relating to the CERCLA "Off-Site Rule."
U.S. Department of Transportation, 49 CFR Parts 171-180, relating to transportation of hazardous materials to off-site disposal facilities.

VI. ESTIMATED COSTS

<u>Extramural Costs</u>	
ERRS Costs	\$145,000
START Costs	25,000
10% Contingency costs	<u>\$ 17,000</u>
Subtotal, extramural costs	\$187,000
Total Removal Project Ceiling	\$187,000

VII. RECOMMENDATION

This decision document represents the selected Phase I removal action for the Colville Post and Pole, Inc. Site in Colville, Washington, developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision is based on the administrative record for the site. Conditions at this site meet the NCP section 300.415(b)(2) criteria for a removal action. The finding of imminent endangerment has been entered into the administrative record for this site. The total Phase I removal action project ceiling will be \$187,000. Of this, an estimated \$187,000 comes from the regional removal allowance.

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