



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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SUPERFUND &
EMERGENCY
MANAGEMENT DIVISION

March 31, 2021

MEMORANDUM

SUBJECT: Action Memorandum for a Time-Critical Removal Action at the E-Cycle NW Site, Sequim, Clallam County, Washington

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I. PURPOSE

The purpose of this memorandum is to document the decision to initiate a time-critical removal action (TCRA) described herein for the E-Cycle NW Site (Site) located in Sequim, Clallam County, Washington pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) that meets the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Section 300.415(b)(2) criteria for removal actions. The proposed TCRA will be performed by the U.S. Environmental Protection Agency (EPA) in accordance with CERCLA, as amended.

II. SITE CONDITIONS AND BACKGROUND

The Superfund Enterprise Management System ID Number for the Site where the proposed TCRA will be performed is WAN001020130 and the Site ID is 10RW.

The property owner purchased the land in 1985 and lived and ran a business on the property. They operated a plumbing company using the land for material storage as well as leasing a portion of the land to a construction company to store heavy machinery. The property owner's family put in a concrete pad for ease of driving and staging of material and equipment, as seen at the Site, including drains which lead to a catch basin. The catch basin routes stormwater to an unnamed tributary that flows into Chicken Coop Creek and then flows into Sequim Bay (Figure 3). In 2009, the property owner leased a portion of the land to another individual who used the land as an electronics recycling facility under the business name E-Cycle NW. The land is no longer being leased for such activity. The business became the

primary electronic waste recycling location for the region. Electronics and other recyclable goods were collected and stored by E-Cycle NW. However, when the business closed in 2017, a stockpile of the materials and electronics was abandoned on the Site by the business.

A. Site Description

1. Removal site evaluation

The property owner requested assistance from Washington Department of Ecology (Ecology) to address and potentially remove the abandoned waste. Ecology assessed the property and received a Proposal of Removal Work from Total Reclaim, Inc. for the labor, removal, and disposal of the hazardous materials found on the Site. Ecology determined it would be unable to complete the work due to resource constraints and subsequently requested the assistance of EPA. On August 1, 2019, EPA conducted an on-site Removal Site Evaluation with Ecology, EPA's Superfund Technical Assessment and Response Team (START) and Emergency and Rapid Response Services (ERRS) contractors to assess the need for a removal action and discuss removal options and approaches balancing worker safety and cost effectiveness.

During the August 1, 2019 Removal Site Evaluation, numerous sources of hazardous substances were present and abandoned on the facility. EPA observed approximately 11,000 mercury-containing fluorescent lamps spread in an uncontrolled fashion throughout the property, many were exposed to the elements. Fluorescent lamps are known to contain anywhere from 3 milligrams (mg) to 50 mg of mercury each. An estimated 200 chemical containers, ranging from 3 ounces to 25 kilograms (kg) also are present on Site, as well as 20 drums ranging in volume from 35 to 55 gallons. While a portion of the containers are adequately labeled, approximately 50% the containers' contents are unknown. Of the labeled containers, U.S. Department of Transportation (DOT) classes 3 (flammables), 6.1 (toxics), 8 (corrosives), and 9 (miscellaneous) are identifiable. An estimated seventy-five 16-ounce propane cylinders and another seventy-five compressed gas cylinders of sizes ranging from 20 pounds to 100 pounds are spread throughout the Site. The labeled cylinders list propane, acetylene, and refrigeration gasses as their contents, but many of them are unlabeled and thus the contents are unknown.

Boxes full of ballasts and light fixtures with ballasts still attached were observed on Site. Of those ballasts, at least 30% of them did not include a label confirming the contents were free of polychlorinated biphenyls (PCBs), and therefore can be assumed to contain PCBs. Similarly, many capacitors, which may also contain PCBs, are present on Site. Several gaylord boxes of Cathode-Ray Tubes (CRT), which contain lead located in the funnel glass also remain and have the potential to contain mercury. Ten partially full pallets of paint and paint-related materials and solvents also were observed in quantities ranging from 0.5 to 5 gallons.

While the electronics recycling operator maintained a general system of organization, many of these hazards are spread out across several locations on the property. Several of the drums and larger containers, as well as most compressed gas cylinders, are exposed to the elements on a concrete pad on Site. As the property owner has stated, she does not have the means to dispose of these hazards and they would remain on Site indefinitely until removed or released into the environment.

Waste Streams Summary:

Universal Waste Lamps: The majority of the lamps appear to be straight of various lengths, and it is estimated as many as 11,000 fluorescent light bulbs containing mercury are present on the Site. Every building contained a mass quantity of bulbs in various sizes and lengths. The mercury content of fluorescent bulbs can range from 3 to 50 milligrams of elemental mercury each, possibly more for the older bulbs.

Batteries: Ten drums between two buildings labeled as alkaline batteries of various sizes are present on the Site, as well as several other batteries spread throughout. Lead-acid, Alkaline, and Lithium Ion batteries were identified during the Site walk in 2019.

CRT Tubes: Several cubic yard boxes of CRT tubes were noted as well as several loose tubes scattered throughout the buildings. CRT tubes are controlled universal waste because they contain lead and mercury. Several CRT and multiple gaylord boxes labeled CRT were observed on the Site. Similar to capacitors, the direct health risk and threat may result from direct contact with harmful materials such as lead, cadmium, chromium, brominated flame retardants or PCBs, from inhalation of toxic fumes. CRTs also present a potential physical threat to workers due to the internal vacuum in the units. Operable CRTs maintain a very low-pressure vacuum within them. When they are being recycled or handled, if the vacuum has not been released, they can explode and shoot out glass fragments.

Paint Related Waste: Seven pallets of paint were observed during the Removal Site Evaluation in 2019. There were various container sizes, mostly one- and five-gallon pails. The paint did not appear to be segregated between oil-based and latex paints.

Formaldehyde Drums: Three 55-gallon drums that are labeled formaldehyde were observed on the Site. These would be disposed of as hazardous waste.

Waste Oil Totes: Two totes were identified on Site. One tote bin appeared to be about 1/8 full of used oil. There are other tanks and containers on the Site that contain waste oil, but the quantity is unknown. The oils are labeled as waste/used oil on the containers. The contents of the containers will need to be characterized to determine if there are any hazardous constituents under CERCLA. If the waste oil is determined to be nonhazardous, it will be disposed of, if possible, at a recycling facility. The oil will be consolidated on site, staged, and set for removal using the Oil Pollution Act regulations.

Propane Tanks: These tanks pose a threat of fire and explosion. There are approximately seventy-five 16-ounce propane cylinders and another seventy-five large compressed gas cylinders ranging from 20 pounds to 100 pounds present on the Site.

Of the larger cylinders, the majority appear to contain propane or acetylene; however, several them have different valves and non-standard configurations, indicating they could contain a different unknown gas. Only a few cylinders maintained adequate labeling.

Printer Ink and Toner Cartridges: At least 5 cubic yard boxes of ink and toner cartridges were observed on the Site. These contain several hazardous substances and can be flammable due to VOC's used in the ink.

Aerosol Cans: At least one box of aerosol cans was observed in the pig pen building. This was mostly spray paint, but it also contained a variety of other items such as cleaners and solvents. There were also numerous other aerosol cans observed scattered throughout the buildings.

Capacitors, Transformers, and Ballasts: Several drums of capacitors, transformers and ballasts were observed in the buildings and various locations around the Site. Many of these may contain PCBs and will need to be disposed of appropriately. They also pose a health and safety risk to workers.

Refrigerator Units: There is a section of the property that has refrigeration and freezer units on the property. The property owner indicated that while some of the refrigerant gasses were removed by E-Cycle NW, about 90% of them were still in the units. Further characterization will determine if the hazardous CFC and HCFC are present and the disposition of those substances.

Miscellaneous Waste: There are approximately 200 visible containers at the Site. The containers ranged from 3 ounces to 25 kilograms. Additionally, there were twenty 35-gallon to 55-gallon drums. Approximately 50% of the containers appeared to have adequate labels, but the contents of the remaining containers are unknown, and it is not clear what hazards may be present. Additionally, there is no recognizable system of storage for the containers. Many other containers of waste were observed scattered throughout the buildings. These included various oils, 5-gallon pails of cobalt chloride crystal, bags of sulphate of nickel, bags of nickel chloride crystal, contaminated wing deicer and many more that will need to be identified, and if defined as hazardous substances, disposed of appropriately.

Given the dilapidated and uncontrolled nature of containers and the Site itself, the potential for past and ongoing releases was evident and the threat of future release was high. Given the visual evidence of waste material and the precarious level of control over materials and containers, it was determined that removal factors set forth in 40 C.F.R. Section 300.415(b)(2) could be evaluated without additional analytical data.

2. Physical location and site characteristics

The Site is a private residence with former commercial buildings directly adjacent to US Highway 101. In addition to the residence, there are three buildings on the Site: the pig pen; the 6-bay garage building; and the shop. The various waste streams were scattered throughout the three buildings and the surrounding property, not necessarily organized by location (Figure 2). There are residences directly to the north of the Site and several other residences (~14) within a third of a mile of the Site. Open fields border the property to the south. Highway 101 borders the property to the east, and to the west is Old Blyn Highway.

The parcel resides within the Sequim Bay watershed, which is part of the Salish Sea aquatic ecosystem and connected to the Protection Island Aquatic Reserve, managed by Washington State Department of Natural Resources. The Site is connected hydrologically to several roadside ditches and an unnamed creek, which flow approximately 400 feet before reaching Chicken Coop Creek which then subsequently drains to Sequim Bay near Chicken Coop Spit (Figure 1). The shortest distance from the Site to Sequim Bay is approximately 4900 feet.

The contaminants on site pose a direct threat of reaching NOAA Fisheries designated critical habitat for federally listed endangered species for salmon, cutthroat trout and steelhead in Sequim Bay.

Additionally, the area is located in the middle of some of the most critical natural resource and subsistence resource lands for several tribes. The Jamestown S’Kallam tribal lands are located adjacent and directly south of the site. If these contaminants are allowed to flow off site and drain into Sequim Bay, it would be directly impacting federally listed critical habitat for endangered species that are of enormous importance to tribes who have established management plans tied to Sequim Bay and the resources within it.

3. Release or threatened release into the environment of a hazardous substance or pollutant or contaminant

There are several hazardous substances as defined by Sections 101(14) and 101(33) of CERCLA, 42 U.S.C. §§ 9601(14) and 9601(33) present on Site. Other hazardous substances not identified in this action memorandum may also be present on the Site.

There are numerous containers, bags containing chemicals, and cans in various states of deterioration. There are some open and loose-fitting drums with corrosive labels. There are containers showing different levels of rust, which need to be overpacked and removed from the Site.

There are totes and a few 55-gallon drums of what appears to be waste oil, and a box of ballasts that possibly contain PCBs being stored outside exposed to the elements. There is a large quantity of fluorescent bulbs located on Site. The fluorescent bulbs are stored throughout the Site in various piles and stacks, that maybe unstable, and subject to collapse. (See photographs.) If a large number of fluorescent bulbs were to break because of the poor storage, this could cause a large uncontrolled release of mercury.

Currently there is unrestricted access to the Site for the general public. Buildings are open and unsecured. The Site and the hazardous substances listed in this memorandum can be easily accessed creating the possibility of direct or accidental exposure. The property owner has indicated that trespassers have entered the property illegally going through the items on the property, opening containers, and stealing items as well as leaving waste on the property.

Based on the information available at this time, hazardous substances for which there is a threat of release are summarized below along with their respective risk of exposure.

Source	Transport	Risk of Exposure
Fluorescent Light Bulbs - Mercury	Vapors moving through the air impacting site residents and building occupants.	Exposure to site residents and neighboring properties through inhalation of vapors/ingestion of contaminated particulates.
Ballasts & Capacitors - PCBs	Deposition onto and migration through soil; migration above ground by runoff, through surface water, and through drainage points into the surrounding environment.	Ecological receptors including local aquatic and marine ecosystems such as salmon, cutthroat trout and steelhead fish, plants and animals and human populations that harvest them for recreational, commercial and subsistence purposes.
Waste Oil Totes – potential PCBs, VOCs & BTEX	Deposition onto and migration through soil; migration above ground by runoff, through surface water, and through drainage points into the surrounding environment. Volatilization into the air.	Ecological receptors including local aquatic and marine ecosystems, plants and animals and human populations that harvest them for recreational, commercial and subsistence purposes. Exposure to site residents and neighboring properties through inhalation of vapors/ingestion of contaminated particulates.
Cathode Ray Tubes & Glass - Lead/Mercury	Deposition onto and migration through soil; migration above ground by runoff, through surface water, and through drainage points into the surrounding environment. Depending on the chemical, volatilization into the air.	Ecological receptors including local aquatic and marine ecosystems, plants and animals and human populations that harvest them for recreational, commercial and subsistence purposes. Exposure to site residents and neighboring properties through inhalation of vapors/ingestion of contaminated particulates.
Unknown Chemicals/Containers/ Cylinders/Paint-related Materials	Deposition onto and migration through soil; migration above ground by runoff, through surface water, and through drainage points into the surrounding environment. Depending on the chemical, volatilization into the air.	Ecological receptors including local aquatic and marine ecosystems, plants and animals and human populations that harvest them for recreational, commercial and subsistence purposes. Exposure to site residents and neighboring properties through inhalation of vapors/ingestion of contaminated particulates.
CFC and HCFC-Refrigerant Removed from Refrigeration Units on Site	Volatilization or release into the air, Depleting ozone.	Ozone.

Some of the drums and containers are in various states of deterioration, and there is a high possibility that chemicals are leaching from the bottom of these containers into the soil. There are drainage points which have been identified on the Site. A release or spill could result in hazardous substances migrating off-site and impacting soils on the surrounding properties, especially during the rainy months.

Because these various drums, containers, and piles of hazardous waste are unstable the potential human exposure routes include direct contact, inhalation, and ingestion of hazardous chemicals. This includes potential exposure of current residents, visitors, passers-by, and trespassers. The potential for exposure is increased by the fact that there are full-time residents at neighboring properties as well. Ecological receptors include various species of fish such as cutthroat trout, chum/chinook salmon, steelhead and spotted owl.

The CERCLA hazardous substances at the Site include several acute neurotoxins, such as lead and mercury, PCBs and semivolatile compounds that, if not contained, can release to soils and be spread by rain and wind causing exposure to nearby residents. These hazardous substances are also known to move through aquatic and marine ecosystems, causing deleterious effects on key species of concerns and present exposure risks to human consumers of fish and shellfish. As previously stated, the contaminants on Site pose a direct threat of reaching designated critical habitat for federally listed endangered species for salmon, cutthroat trout and steelhead in Sequim Bay. If these contaminants are allowed to flow off-site and drain into Sequim Bay, it would be directly impacting federally listed critical habitat for endangered species that are of enormous importance to tribes located in the area.

4. NPL Status

The Site is not on nor is it proposed for the National Priorities List.

5. Maps, pictures, and other graphic representations

Figure 1 indicates the general vicinity of the Site and Figure 2 shows the containers located throughout the Site. Figure 3 indicates the off-site surface flow path into Sequim Bay. Figure 4 is a map showing the location of the Site and the Jamestown S’Kallam tribal lands.

B. Other Actions to Date

1. Previous actions

No previous cleanup or maintenance is known to have occurred with the hazardous materials discussed in this action memorandum.

2. Current actions

Preparing for a TCRA.

C. State and Local Authorities' Roles

1. State and local actions to date

Ecology conducted an extensive site cleanup assessment in 2018, detailing the need for hazardous waste cleanup. The assessment lists the hazardous materials abandoned on site, and the chemicals of concern. The EPA On-Scene Coordinator and a representative of Ecology discussed the informal request to conduct the removal action and the planned removal work.

On July 25, 2019, Ecology sent a formal written request to EPA for assistance with the removal of the abandoned hazardous waste located on the Site of the former business E-Cycle NW. At the time of the request, the State and local agencies did not have the resources or staff to address this Site in a timely manner. The State and local budgetary situation has worsened since this request due to revenue shortages resulting from the Coronavirus pandemic. In spite of this, Ecology has been working with the property owner to remove the large amount of solid waste that remained on Site after E-Cycle NW went out of business.

2. Potential for continued state/local response

Ecology has communicated to EPA that it would like to stay engaged during site cleanup activities and would like to be of assistance as needed. EPA has initiated discussions with Ecology to delineate actions EPA will take under CERCLA removal authority and Ecology's role in continuing to work with the property owner under the solid waste cleanup program to remove non-hazardous waste off-site.

EPA is in contact with the State Historic Preservation Officer (SHPO) to ensure compliance with requirements of Section 106 of the National Historic Preservation Act (NHPA). The OSC spoke with both the State Department of Archaeology and Historic Preservation (DAHP) and SHPO office regarding the planned removal actions. Under the provisions of Section 106 of the NHPA, and based on the documents provided, the project as proposed will have no adverse effects on any listed historical areas or buildings.

3. Coordination with local area tribes

EPA has worked with the Region 10 Superfund and Emergency Management Division Tribal Coordinator and communicated with the Makah, Hoh, Lower Elwha, Jamestown S'Klallam, Port Gamble S'Klallam and Quileute Tribes to determine their preferred level of involvement in the proposed TCRA. Additional coordination was conducted with the Department of Interior Regional Environmental Officer to help ensure all tribes that may have an interest in the removal action will be contacted. All of the above tribal notifications were sent via email to representatives of the six tribes mentioned above. The Jamestown S'Klallam and Port Gamble S'Klallam tribes requested to be briefed regarding the investigation and planned field activities of the project. On June 11, 2020, EPA conducted a video conference meeting to discuss the site information, including planned removal activities. These tribes, particularly the Jamestown S'Klallam Tribe, whose trust lands reside adjacent to the Site (Figure 4), have voiced their support of the

proposed actions. These tribes have expressed a preference for continued informal communication and coordination with EPA on this project. No formal government-to-government consultation has been requested by the tribes.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT

The conditions at the Site meet the following factors which indicate that the Site is a threat to public health or welfare or the environment, and removal action is appropriate under Section 300.415(b)(2) of the NCP.

A. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants (40 C.F.R. § 300.415(b)(2)(i))

There are numerous containers, bags, and cans containing hazardous substances, pollutants, or contaminants in various states of deterioration. There are some open and loose-fitting drums labelled as corrosive. There are containers showing different levels of rust, which need to be overpacked and removed from Site.

The property owner has a residential home on the property and there is no restriction to access to the property by the general public. Buildings are open and unsecured. The property and the hazardous substances listed in this memorandum can be easily accessed creating the possibility of direct or accidental exposure.

Potential human exposure routes include direct contact, inhalation, and ingestion of hazardous chemicals. Human receptors include residents, visitors, and passers-by. The potential for exposure is increased by the fact that there are full-time residents at neighboring properties as well. Ecological receptors include various species of fish such as cutthroat trout, chum/chinook salmon, steelhead, and spotted owl.

The effects of exposure to the contaminants of concern on organ systems is influenced by several factors, including dose, duration of exposure, and route of exposure, as well as the age and health of the receptor exposed.

B. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate (40 C.F.R. § 300.415(b)(2)(iv))

There is visible rust, and some of the drum bottoms have evidence of leaking, contributing to the possibility of chemicals leaching from these containers and into the soils. The container types included drums, jars, buckets, tanks, totes, tanker truck, cylinders, and plastic storage containers. Many of them are unlabeled or labeled improperly, and most appear to be improperly stored inside, and outside of the buildings in various states of disrepair. The contents of these containers included gasoline and other fuels, used motor oil, oil-based and latex paints, paint thinners, and compressed gas cylinders.

A majority of the property is vegetated. Soils will be characterized to determine if contaminants of concern are present in shallow surface soil (i.e., 0-6 inches below ground surface (BGS)), which would create a high potential exposure scenario. Bare soils are susceptible to migration, including via water or air.

C. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released (40 C.F.R. § 300.415(b)(2)(v))

In Sequim, the area within which the Site is located, the typical climate includes summers that are short, comfortable, dry, and partly cloudy, and winters that are long, cool, wet, and mostly cloudy. Being within a mile of the marine environment, winds are common year around. Over the course of the year, the temperature typically varies from 37°F to 72°F, and is rarely below 29°F or above 81°F. The average annual rainfall is approximately 23 inches however, rainfall is largely concentrated during the months of November through February. Heavy rainfall can lead to saturated soils and greater surface runoff and increased likelihood that the contaminants in shallow surface soil are susceptible to dispersion. Conversely the dry and hot conditions in summer and early fall lead to drier soils, which when mixed with seasonal winds can cause contaminants to disperse by wind, especially in areas that are not protected by a vegetated cover.

D. Threat of fire or explosion (40 C.F.R. § 300.415(b)(2)(vi))

On site incompatible hazardous substances are stored in proximity to each other, and there are a large number of propane and compressed gas cylinders and tanks which may pose a threat of fire and explosion. Clallam County Fire District 3 has identified Sequim and the surrounding areas as most susceptible to fire during the dry summer months.

E. The availability of other appropriate federal or state response mechanisms to respond to the release (40 C.F.R. § 300.415(b)(2)(vii))

There are no known other appropriate federal or state response mechanisms capable of providing timely and necessary resources to address the potential human health and environmental risks associated with the hazardous substances. As budgetary conditions of state and local authorities have worsened since the request for assistance was sent to EPA, this situation is not expected to change in the near term.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from the Site may present an imminent and substantial endangerment to public health, or welfare, or the environment.

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

A delay in action or no action at this Site could increase the actual or potential threats to the public health and/or the environment.

1. Response actions are required immediately to prevent, limit or mitigate further exposure to hazardous chemicals. The uncontrolled access to the chemicals must be addressed to eliminate risk of exposure, ingestion, or inhalation of dusts by residents.
2. Unless EPA conducts a removal action, assistance will not otherwise be provided on a timely basis. Neither the State nor local governments intend to take action to address the contamination.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

A removal action would address the following issues:

1. eliminate the airborne and surface pathways between chemicals of concern and human and ecological receptors;
2. remove hazardous substances and contaminants in drums, totes, cans/containers, cylinders and tanks abandoned on Site; and
3. remove contaminants at or near the surface of soils which may migrate.

The proposed action is intended to mitigate the potential human and ecological health threats posed by exposure to lead, mercury, PCBs, cobalt chloride, sulphate of nickel, waste oils, solvents, and other hazardous substances. This includes direct contact, ingestion, and inhalation pathways.

1. Proposed action description

- a. Conduct additional assessment activities to characterize, segregate and secure hazardous substances in containers. Once hazardous substances have been addressed and removed from the Site, soil sampling will be conducted to determine if any actionable contaminants of concern are present above regional cleanup levels. If contaminated soil is discovered, minimal contaminated soil excavation will be conducted to a depth not to exceed 6 inches below ground surface. The soils will be consolidated and taken off-site for disposal.
- b. Perform inventory and hazard categorization to determine appropriate disposal options for the containers.
- c. Source control. Remove and properly dispose hazardous substances.
- d. Conduct health and safety air monitoring to assure that removal activities do not cause unsafe conditions above recommended action levels for workers and nearby residents.
- e. Coordinate with local, tribal and state agencies. EPA will provide the Tribes, Ecology, and Clallam County Department of Health with the Site cleanup schedule, the link to the Site website, and the final report.

Field screening will be supported by a site-specific sampling plan (SSSP) and quality assurance project plan (QAPP) and will include the collection of confirmation samples and analysis at an off-site laboratory to validate the precision and accuracy of the field screening tools. The SSSP/QAPP will be reviewed and approved by EPA prior to removal activities.

Personnel and equipment exiting work areas will be decontaminated to avoid the spread of contaminants.

Best Management Practices

Best Management Practices (BMPs) will be implemented during removal activities to protect workers, residents, the community, and the environment from short-term construction impacts such as erosion, sedimentation, fugitive dust, noise, and other

similar potential impacts. Removal activities near the residential area of the Site will be closely coordinated with the residents to minimize disruption and impacts.

COVID 19 Management Practices

COVID 19 procedures will be outlined in the Site's Health and Safety Plan (HASP) to ensure worker, and residents' safety.

Greener Cleanup Best Management Practices

Appropriate and practicable greener cleanup BMPs will be implemented during cleanup activities, including, but not limited to, minimizing energy consumption (e.g., using new and well-maintained equipment), minimizing generation and transport of fugitive dust (e.g., implementation of construction BMPs), minimizing waste generation through reuse and recycling, minimizing impacts to water resources (e.g., implementation of construction storm water and surface water BMPs), minimizing areas requiring activity or use limitations (e.g., source removal), minimizing unnecessary soil and habitat disturbance, and minimizing lighting and noise disturbance (e.g., implementation of construction BMPs).

Post-Removal Site Controls

It is anticipated that all hazardous source materials will be removed from the Site leaving no need for post-removal Site controls.

2. Contribution to remedial performance

The Site is not listed or proposed to be listed on the National Priorities List. The work described in this Action Memorandum should not impede any future removal or remedial activities at the Site.

3. Engineering Evaluation/Cost Analysis

An Engineering Evaluation/Cost Analysis is not required because this is a TCRA.

4. Applicable or relevant and appropriate requirements

The NCP requires that removal actions attain Applicable or Relevant and Appropriate Requirements (ARARs) under federal or state environment or facility siting laws, to the extent practicable, given the exigencies of the situation. In determining whether compliance with ARARs is practicable, EPA may consider the scope of the removal action and the urgency of the situation. (40 C.F.R. § 300.415(j))

Federal ARARs:

Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6921-6939g, 40 C.F.R. Parts 260-279. Hazardous waste regulations in Subtitle C of RCRA specify hazardous waste identification, management, and disposal requirements. Because the State of Washington is authorized to operate its state hazardous waste program, the Hazardous Waste Management Act (RCW 70.105) and its Dangerous Waste Regulations codified in the Washington Administrative Code (WAC), Chapter 173-303, in lieu of the federal RCRA program, this removal action will comply with the State HWMA

standards to the extent practicable. Substantive requirements of RCRA Subtitle C (or the state's HWMA equivalent) include requirements for hazardous waste identification, treatment, and disposal of on-Site wastes. In addition, any off-Site shipments will comply with the CERCLA Off-Site Rule at 40 C.F.R. § 300.440. RCRA Subtitle C and the HWMA also provides treatment standards for debris contaminated with hazardous waste ("hazardous debris"), 40 C.F.R. § 268.45, although the lead agency may determine that such debris is no longer hazardous, consistent with 40 C.F.R. § 261.3(f)(2), or equivalent state regulations. There will likely be hazardous waste at the Site that will be addressed under RCRA. Given the status of the state authorization in Washington, it is unlikely that federal RCRA regulations will apply; however, should new information be made available, EPA will reassess whether federal RCRA regulations should be designated as ARARs.

Endangered Species Act (ESA), 16 U.S.C. § 1536; 50 C.F.R. Parts 17, Subpart I.

The ESA protects species of fish, wildlife, and plants that are listed as threatened or endangered with extinction. It also protects designated critical habitat for listed species. The ESA outlines procedures for federal agencies to follow when taking actions that may jeopardize listed species, including consultation with natural resource agencies. The requirements of the ESA are potentially applicable to the Site since listed threatened or endangered species habitat areas will or could be impacted by response action. The ESA requires that each federal agency ensure, through consultation, that any action authorized, funded, or carried out by that agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat for endangered or threatened species.

State ARARs:

Washington Model Toxics Control Act and Dangerous Waste Regulations, RCW 70.105, WAC Chapter 173-340-704.

The performance of the removal action is expected to achieve the standards set forth in the Washington Model Toxics Control Act (MTCA), and its implementing regulations, to address potential threats to public health and welfare and the environment from a release or threat of release of hazardous substances. Cleanup levels for the removal action are based on MTCA Method A cleanup levels and the removal action will achieve these levels, to the extent practicable.

Washington State Hazardous Waste Management Act and Dangerous Waste Regulations, RCW 70.105; WAC Chapter 173-303.

Washington State Dangerous Waste regulations govern the handling and disposition of dangerous waste, including identification, accumulation, storage, transport, treatment, and disposal. The dangerous waste requirements will be complied with to the extent practicable during implementation of the removal action.

Washington State Solid Waste Handling Standards, RCW 70.95; WAC Chapter 173-350.

Washington State Solid Waste Handling Standards apply to facilities and activities that manage solid waste. The regulations set minimum functional performance standards for proper handling and disposal of solid waste; describe responsibilities of various entities; and stipulate requirements for solid waste handling facility location, design, construction, operation, and closure. These regulations will be complied with to the extent practicable during management of any excavated soil, soil-like material, and debris that will be generated during the removal action.

Washington Clean Air Act and Implementing Regulations, RCW 70.94; WAC 173-400-040(8).

Washington State Clean Air Act regulations require implementation of reasonable precautions to prevent fugitive dust from becoming airborne and to maintain and operate the source to minimize emissions. The response action will comply with, to the extent practicable, the substantive requirements of fugitive dust control at the property.

5. Project schedule

The removal action activities are expected to start as soon as possible. The project is expected to last approximately two weeks.

C. Estimated Costs

The EPA estimated costs are shown below. The Emergency and Rapid Response Services (ERRS) contractor costs and Superfund Technical Assessment and Response Team (START) contractor are included in this estimate.

ERRS	\$ 322,000
START	\$ 100,000
Contingency (20%)	\$ 84,400
Total Removal Project Ceiling	\$ 506,400

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

A delay in action or no action at this Site could increase the actual or potential threats to the public health and/or the environment.

VIII. OUTSTANDING POLICY ISSUES

None.

IX. ENFORCEMENT ADDENDUM

Refer to attached confidential enforcement addendum.

X. RECOMMENDATION

This decision document represents the selected time-critical removal action for the Site, located in the Sequim area within Clallam County, Washington, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for these removal actions to be taken within the Site.

Conditions at the Site meet the NCP criteria at 40 C.F.R. § 300.415(b) for a removal action, and I recommend your approval of the proposed removal action. The total project ceiling, if approved, will be \$506,400. Of this, as much as \$506,400 comes from the Regional Removal Allowance.

XI. APPROVAL / DISAPPROVAL

APPROVAL:

Calvin Terada, Director
Superfund and Emergency Management Division

DATE: _____

DISAPPROVAL

Calvin Terada, Director
Superfund and Emergency Management Division

DATE: _____

Maps and Photographs

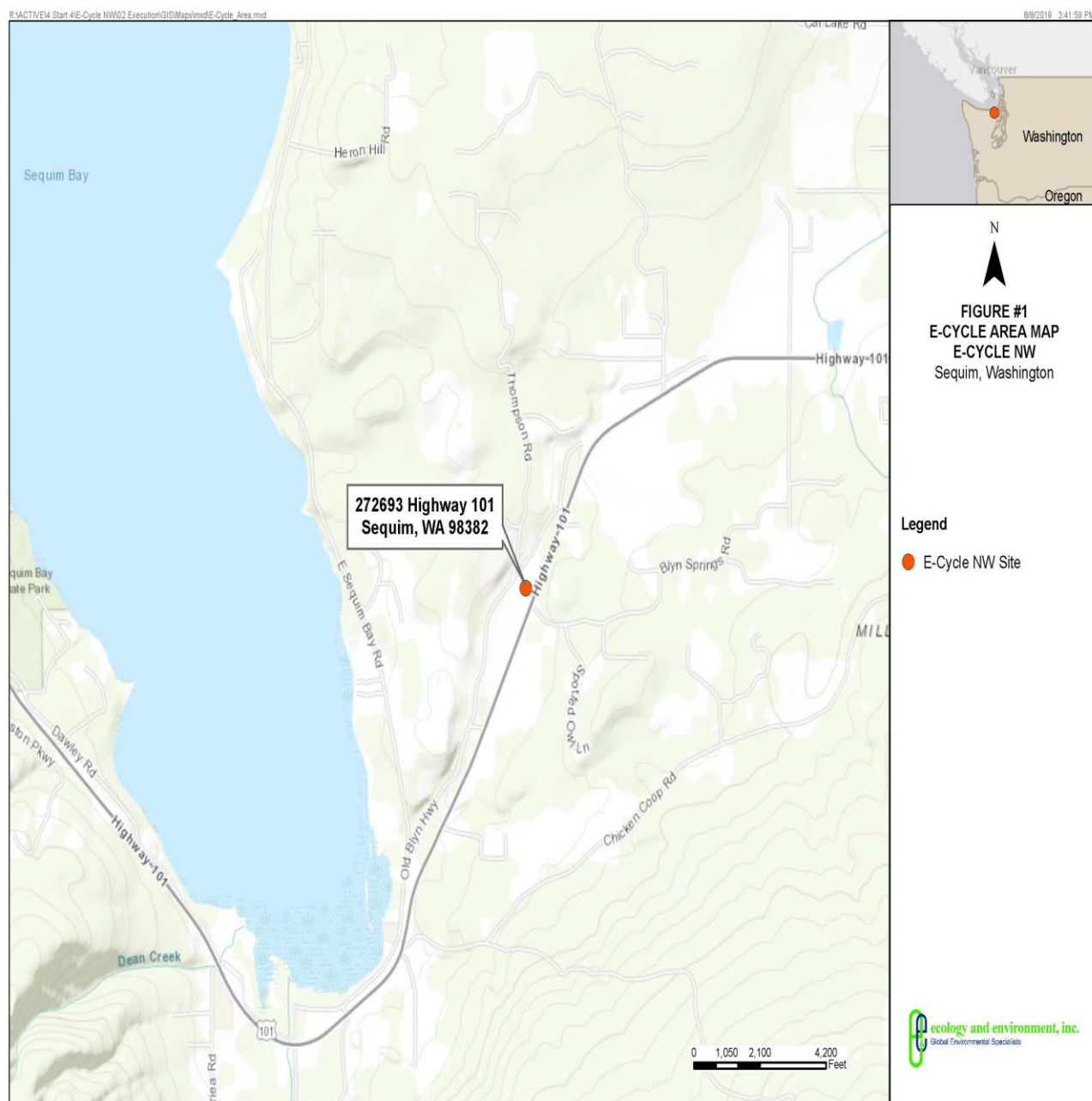


Figure 1: General Vicinity of the Site



Figure 2: Site Map Showing Containers on Property

Flow Path from E-Cycle NW to Sequim Bay- Sequim, WA

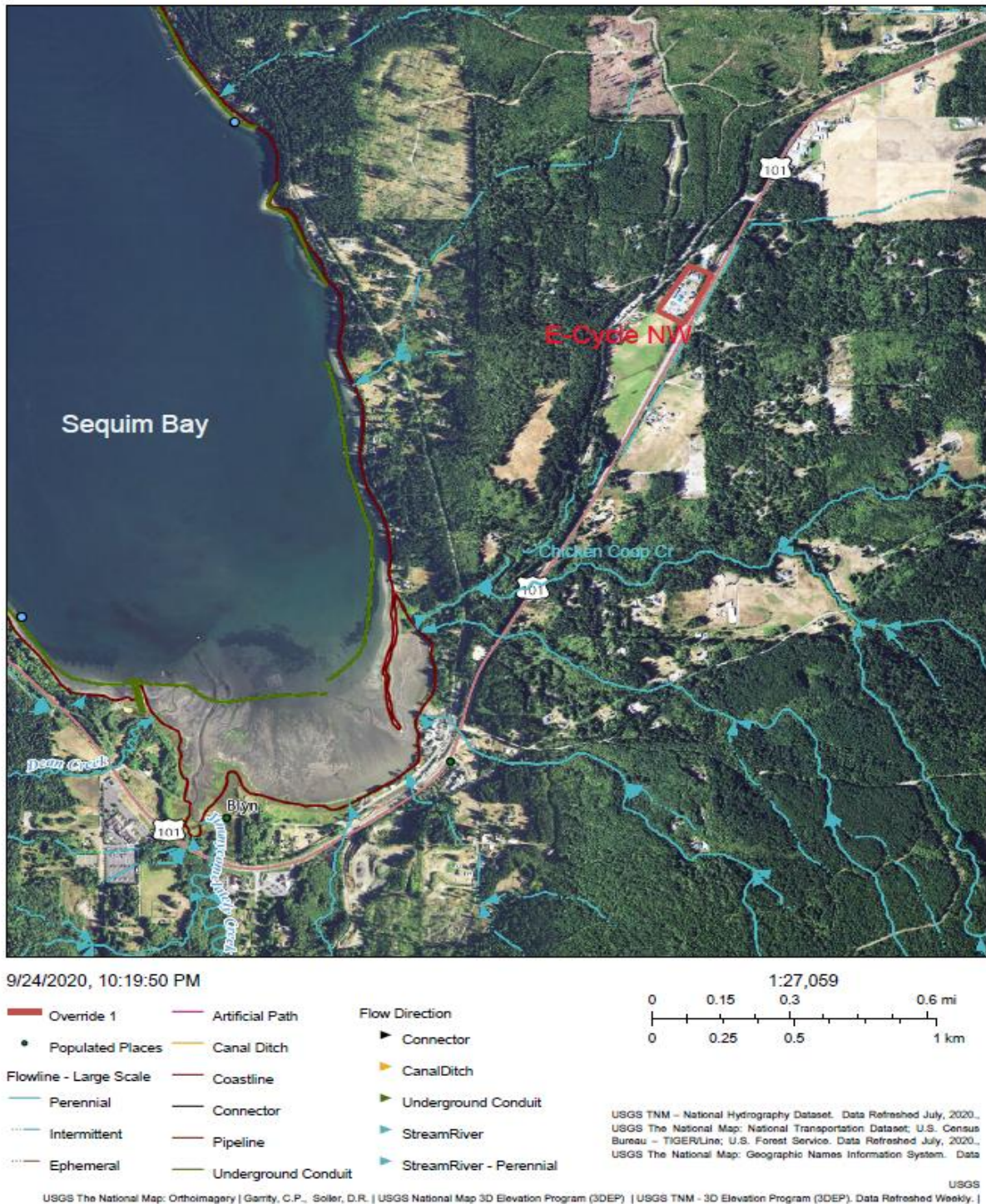
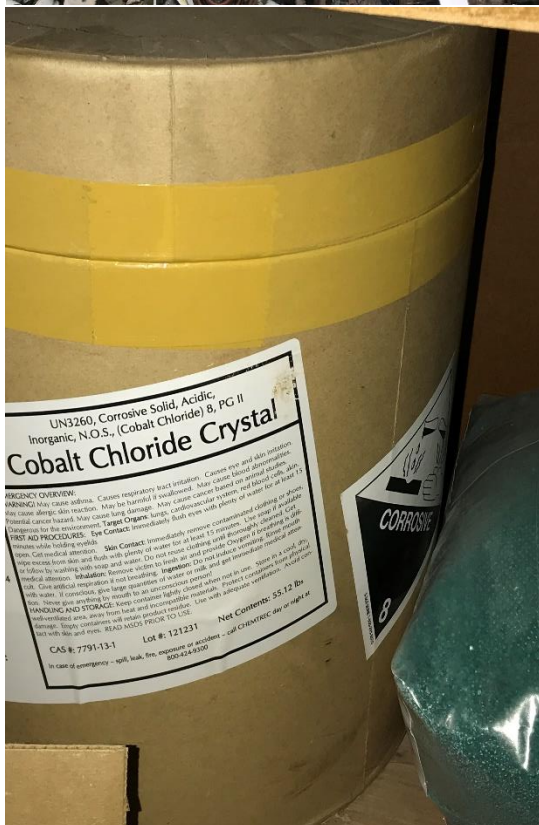
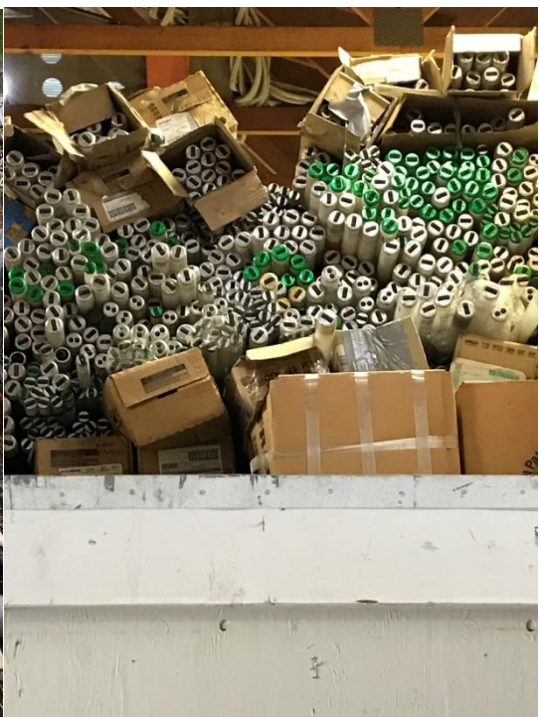
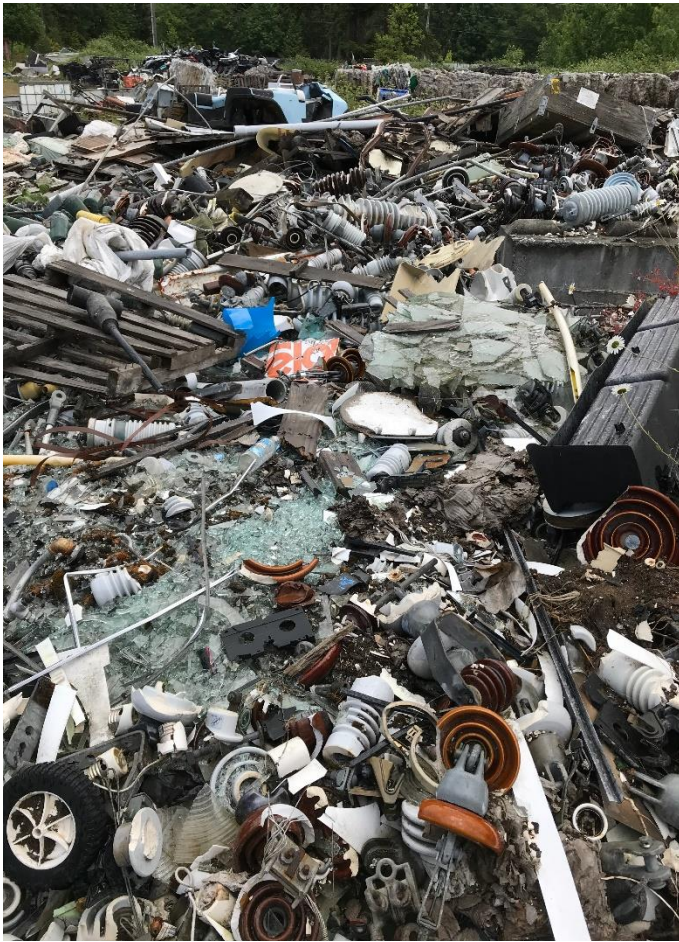


Figure 3: Off Site Flow Path



Figure 4: Site location in reference to the Jamestown S’Kallam tribal land and uncontrol containers on Site









References

Washington Department of Ecology Prepared Report: Total Reclaim Inc., Feb 2019 (E-Cycle NW), *Proposal- Removal Work at E-Cycle NW*.

Washington Department of Ecology's Hazardous Compliance Department July 2019 letter requesting EPA assistance

Resource Conservation and Recovery Act (RCRA), CRTs marked for disposal are considered hazardous waste under title 40 of the Code of Federal Regulation, CFR, section 261.4(a)(22)).

NOAA Fisheries Protected Resources:

<https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html?id=7514c715b8594944a6e468dd25aaacc9>

Jamestown S'Kallam Tribal resources: <http://blogs.nwifc.org/psp/files/2013/12/Sequim-Bay-State-of-the-Waters-Report-September-2013.pdf>