385333

ACTION MEMORANDUM – RV1

DATE: AUG 17 2012

SUBJECT: Confirmation of a Verbal Authorization for a CERCLA Removal Action at White Rox Chemical Company Site, 660 South Main Street, Phillipsburg, Warren County, New Jersey 08865

FROM: Michael J. Brescio, On-Scene Coordinator
Response and Prevention Branch

THRU: Eric Mosher, Chief
Response and Prevention Branch

TO: Walter E. Mugdan, Director
Emergency and Remedial Response Division

SITE ID#: A275

I. PURPOSE

The purpose of this Action Memorandum is to confirm and document the verbal authorization granted for the removal action described herein at the White Rox Chemical Company Site ("Site"), located at 660 South Main Street in Phillipsburg, New Jersey. The total extramural funding that has been verbally authorized to date is $250,000 of which $225,000 is for mitigation contracting.

On April 28, 2011, the U.S. Environmental Protection Agency ("EPA") received a verbal request from the New Jersey Department of Environmental Protection ("NJDEP") to respond to a fire at the Site. During the time that both agencies responded to the scene of the fire hundreds of drums and containers with hazardous substances were discovered at the Site. Some of the substances were identified as corrosives and had been subjected to the heat of the fire and long term weathering. Other containers were found to have leaked portions of their contents onto the ground. EPA determined that a removal action was necessary to prevent the potential for human exposure and additional environmental impacts and degradation. In the absence of other appropriate actions to protect human health and the environment, a verbal authorization from the Director of the Emergency and Remedial Response Division ("ERRD") was granted on April 29, 2011, to initiate a removal action at the Site. Removal activities began on May 16, 2011, and were completed on August 31, 2011, when all of the hazardous substances were transported from the Site for final disposal. The removal of hazardous substances was taken pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA") and 40 C.F.R. Part 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP").

FILE:FY12/White Rox Chemical Company Site Action Memo.doc\2ERRD:RPB:BRESCIO::vja 4-18-12

ERRD-RPB	ERRD-RPB	ERRD-RPB	ERRD-RAB	ORC-NJSFB	ORC	ERRD-DD	ERRD-D
BRESCIO	DALOIA	MOSHER	ROTOLA	BURKE	KARLEN	LaPADULA	MUGDAN
MB	4/19/12	4/19/12	5/10/12	4/25/12	4/26/2012		8/17/12

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

ACTION MEMORANDUM – RV1

DATE: AUG 17 2012

SUBJECT: Confirmation of a Verbal Authorization for a CERCLA Removal Action at White Rox Chemical Company Site, 660 South Main Street, Phillipsburg, Warren County, New Jersey 08865

FROM: Michael J. Brescio, On-Scene Coordinator
Response and Prevention Branch

THRU: Eric Mosher, Chief
Response and Prevention Branch

TO: Walter E. Mugdan, Director
Emergency and Remedial Response Division

SITE ID#: A275

I. PURPOSE

The purpose of this Action Memorandum is to confirm and document the verbal authorization granted for the removal action described herein at the White Rox Chemical Company Site ("Site"), located at 660 South Main Street in Phillipsburg, New Jersey. The total extramural funding that has been verbally authorized to date is $250,000 of which $225,000 is for mitigation contracting.

On April 28, 2011, the U.S. Environmental Protection Agency ("EPA") received a verbal request from the New Jersey Department of Environmental Protection ("NJDEP") to respond to a fire at the Site. During the time that both agencies responded to the scene of the fire hundreds of drums and containers with hazardous substances were discovered at the Site. Some of the substances were identified as corrosives and had been subjected to the heat of the fire and long term weathering. Other containers were found to have leaked portions of their contents onto the ground. EPA determined that a removal action was necessary to prevent the potential for human exposure and additional environmental impacts and degradation. In the absence of other appropriate actions to protect human health and the environment, a verbal authorization from the Director of the Emergency and Remedial Response Division ("ERRD") was granted on April 29, 2011, to initiate a removal action at the Site. Removal activities began on May 16, 2011, and were completed on August 31, 2011, when all of the hazardous substances were transported from the Site for final disposal. The removal of hazardous substances was taken pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA") and 40 C.F.R. Part 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP").

II. SITE CONDITIONS AND BACKGROUND

The Comprehensive Environmental Response, Compensation and Liability Information System Identification Number for the Site is NJC200400786. The removal action was initiated as an emergency response on May 16, 2011.

A. Site Description

1. Removal Site evaluation

On April 28, 2011, the EPA Region II Duty Officer received a report from the National Response Center about a brush fire, caused by lightning striking an electric transformer mounted on a telephone pole at the Site. While fighting the fire, the local fire department discovered thousands of 5-gallon pails and 55-gallon drums of unknown chemicals in the rear portion of the Site and along the Site's fence line. EPA also received a call from the NJDEP on April 28, 2011, regarding a brush fire at this abandoned facility that contained solid and liquid hazardous waste. The Site was used mostly as a repackaging and warehouse facility. The repackaging operations consisted of reducing larger volumes of higher concentrations of sodium hypochlorite into smaller volumes and lower concentrations depending on customer requests. The repackaged sodium hypochlorite solutions would be sold mostly to commercial businesses. White Rox Chemical Company did not operate as a retail business. It ceased doing business and abandoned the Site about five years ago. No attempts were made by the owner to properly store or remove any of the remaining hazardous substances left at the Site after the business closed.

EPA responded to the Site on April 28, 2011, upon receiving the call from NJDEP, and found conditions at the Site to present a substantial threat to public health and the environment. There were thousands of containers that contained liquid hazardous substances that were discarded in piles throughout the property. Additional containers were found inside the building located on the Site. Some of these containers showed evidence that their contents had leaked. The following day, after a more complete assessment was made, the EPA On-Scene Coordinator who initially responded to the Site was granted a verbal authorization to initiate a CERCLA removal action. This was the first EPA removal action taken at this Site.

2. Physical location

The Site is located at 660 South Main Street, Phillipsburg, Warren County, New Jersey 08865, and is designated as Block 2201, Lot 9, on the tax map of the Town of Phillipsburg. The Site is located within a mix of residential and commercial properties. Residences are located immediately adjacent to the Site and an elementary school and senior citizen center are located approximately 1/10 of a mile away. The Delaware River is approximately 700 yards from the Site. The residences, school, senior citizen center, and the Delaware River would all be impacted should a large release of hazardous substances occur.

3. Site characteristics

The unsecured Site is approximately 5.8 acres with one single story, steel building, approximately 30 x 70 feet, with two storage tanks inside and three large storage tanks outside contained within a concrete containment dike. This steel building was the main production facility at the Site.

Several other abandoned structures are also located on the Site, along with a 40-foot office trailer and two buildings which are currently being used by an auto glass repair shop and an auto body repair shop.

This was the first EPA removal action undertaken at this Site.

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

The hazardous substances listed below were observed to be present at the Site during the initial site inspection on April 28, 2011 and samples data collected from the areas of concern, confirmed the presence of numerous designated hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The following table lists a few of the substances identified.

Hazardous Substances	Statutory Source for Designation as Hazardous Waste under CERCLA*
Sodium Hypochlorite	1
Hydrochloric Acid	1,3
Ammonium Hydroxide	1
Methanol	3,4

*

1. Clean Water Act Section 311(b)(2)
2. Clean Water Act Section 307(a)
3. 112 of the Clean Air Act
4. RCRA Section 3001

Potential Health and Toxicological Effects:

MATERIAL	1	2	3
Sodium Hypochlorite	X	X	
Hydrochloric Acid	X	X	
Ammonium Hydroxide	X	X	X
Methanol	X	X	

Table Legend:

#1	Eye, Skin, Mucous Membrane Irritation
#2	Respiratory System
#3	Nervous System

5. National priorities list ("NPL") status

The Site is not on the NPL, nor is it expected to be listed on the NPL.

6. Maps, pictures and other graphic representations

Figure 1. Hundreds of five- gallon pails.

Figure 2. Burned containers

B. Other Actions to Date

1. Previous actions

On April 28, 2011, NJDEP responded to the Site at the request of the Phillipsburg Fire Department, who were on-scene extinguishing the fire. Upon their arrival, the NJDEP officials conducted an inspection at the Site. After its inspection, NJDEP notified its removal contractor and requested assistance from EPA at the Site. NJDEP directed its contractor to identify and segregate all chemicals near the fire location only and referred the entire Site to EPA.

The Site was verbally referred to the EPA by NJDEP on April 29, 2011. There were no other removal actions prior to this date.

2. Current actions

The Site was formally referred to EPA for a removal action from the NJDEP on April 29, 2011. EPA obtained a verbal authorization of funding from the ERRD Director on the same day. The

removal action was initiated on May 16, 2011 and completed on August 31, 2011. Please see section V of this document for details on the actions undertaken.

C. **State and Local Authorities' Roles**

1. State and local actions to date

NJDEP's removal contractor cleaned up the area of the Site that was affected by the transformer oil after the transformer fire. No other actions were taken by NJDEP for the remaining materials on the Site.

NJDEP and local agencies did not have the necessary resources to conduct the removal action. NJDEP and the Town of Phillipsburg acted in an advisory and supporting role throughout the removal action.

2. Potential for continued state/local response

No additional response is anticipated.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Site met the criteria for a CERCLA removal action as described in the NCP, Part 40 CFR 300.415(b)(2). There was the possibility of direct human exposure via inhalation of hazardous substances and direct contact. The presence of numerous hazardous substances at the Site and their potential release posed a threat to public health and the environment. These substances included corrosive substances which are listed at Table 302.4 of the NCP at 40 CFR Part 302.4.

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

The Site was not secured. The structures were open to the environment, and the containers within the building and outside were in poor condition and in a state of deterioration due to exposure to the elements and impingement of the containers by the brush fire. Many of the containers showed evidence of leaking. As discussed previously, residences are located immediately adjacent to the property; a school and a senior citizen center are located approximately 1/10 of a mile away; and the Delaware River is approximately 700 yards from the Site. The residences, school, senior citizen center, and the Delaware River could have been impacted if a larger release of hazardous substances were to occur.

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

There were approximately 3,500 containers with hazardous substances found to exist on Site. The containers were located both inside and outside the Site buildings. Many of these containers had already released their contents as a result of the fire. Many more of the containers had been compromised by weather and the fire fighting activities and were posing a continued threat of release.

(v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released

The containers had been abandoned on Site for several years and had become corroded and misshapen from exposure to the elements. Weathering had resulted in the release of the contents of some containers prior to the fire on April 28, 2011. Continued exposure to the elements would have resulted in additional releases into the environment. Hazardous substances releasing from these containers might have migrated into the environment through air entrainment of particulates and surface water runoff.

(vi) Threat of fire or explosion.

The Site was not secure. Vagrants had occupied its structures and routinely used open makeshift fires as a source of heating and cooking both inside and outside of the main building on the property. Such fires could easily have ignited the contents of the containers and create a fire or explosion of the remaining hazardous substances on-site.

(vii) The availability of other appropriate federal or state response mechanisms to respond to the release.

NJDEP did not have the resources to complete the removal action and asked EPA to provide that assistance after the NJDEP contractor had performed some limited cleanup activities addressing the transformer oil-impacted areas after the fire.

IV. ENDANGERMENT DETERMINATION

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

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

EPA Region II activated the ERRS contract to conduct the removal of materials on May 16, 2011 after obtaining proper access to the site from the owner's representative. The removal action identified 100, 55-gallon drums, 3,000 5-gallon containers, and 200 laboratory-sized containers in the main building and scattered throughout the Site property. Most of these containers were in very poor condition. There were also three empty storage tanks located outside the building and two inside the building containing caustic liquid.

In order to completely mitigate the threats posed by the Site, the following scope of work was completed:

a. Secured all leaking containers on the Site and moved materials from unsafe areas of the building to a staging area in a structurally sound section of the Site.
b. Searched entire Site including outbuildings and tree lines along the property boundaries for

containers.

c. Stabilized all drums and containers of hazardous substances and hazardous waste.
d. Inventoried all drums, tanks and containers.
e. Grouped containers of waste together and staged based on compatibility.
f. Sampled materials as appropriate. When possible, composite samples were collected to reduce the total number of samples analyzed.
g. Analysis was performed for disposal parameters which included TCLP, RCRA characteristics, target compound list and target analyte list parameters.
h. Disposal of all waste was based on analytical results. All materials were safely transported off-site to facilities in compliance with EPA's Off-site Disposal Rule.
i. Provided site security when contractor was not on-site.
j. Coordinated with state and local officials.

The removal action was completed on August 31, 2011. There will be no need for any EPA post-removal site controls.

2. Contribution to remedial performance

The response described in this Action Memorandum addressed and removed the threats posed by the presence of the numerous containers of hazardous substances that were improperly stored, many of them exposed to the elements for more than five years. These threats were removed by the actions described in this Action Memorandum. The actions taken at the Site will contribute to any long-term action with respect to the release or threatened release of hazardous substances at the Site.

3. Engineering evaluation/cost analysis ("EE/CA")

Due to the time-critical nature of this removal action, an EE/CA was not prepared.

4. Applicable or relevant and appropriate requirements ("ARARs")

ARARs within the scope of this removal action, including, RCRA; Toxic Substance Control Act and Hazardous Materials Transportation Uniform Safety Act were met to the extent practicable.

5. Project schedule

The removal action was initiated on May 16, 2011, and was completed on August 31, 2011.

A. Estimated Costs

DIRECT EXTRAMURAL COSTS	**Ceiling Amounts Provided Under Verbal Authorization of April 29, 2011**
Regional Allowance Costs (Total cleanup contractor costs including labor, equipment, materials and laboratory disposal analysis, (Includes a 20% contingency)	$225,000

Total RST Costs	$25,000
TOTAL Removal Action Project Ceiling	$250,000

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

Delays in undertaking this removal action may have increased public health risks to the adjacent population through potential exposure to airborne contaminants.

VII. OUTSTANDING POLICY ISSUES

There are no known outstanding policy issues associated with the Site at the present time.

VIII. ENFORCEMENT

The On-Scene Coordinator will work with the Removal Action Branch, the Office of Regional Counsel, and NJDEP in an attempt to locate all viable potentially responsible parties ("PRPs") to recover clean up costs. Two businesses are operating on the Site. These businesses are reportedly paying rent monies to the property owner.

Based on full cost accounting practices, the total EPA costs for this removal action that are eligible for cost recovery are estimated to be $329,082. The following chart describes the costs which EPA believes are eligible for cost recovery.

Cost Type	Funding Requested in this Action Memorandum
Direct Extramural Costs	$250,000
Direct Intramural Costs	$10,000
Subtotal, Direct Costs	$260,000
Indirect Costs (Indirect Regional Cost Rate 26.57%)	$69,082
Estimated EPA Costs Eligible for Cost Recovery	$329,082

Note: 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-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a 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 costs from this estimate will affect the right of the United States to seek cost-recovery.

IX. RECOMMENDATION

This decision document represents the selected removal action for the White Rox Chemical Company Site located in Phillipsburg, New Jersey. This document was developed in accordance with CERCLA, and is not inconsistent with the NCP. This decision document is based on the administrative record for the Site.

Conditions at the Site met the NCP Section 300.415(b)(2) criteria for a removal action and I recommend your formal approval of this Action Memorandum. The total project ceiling verbally authorized on April 29, 2011, provided a total ceiling of $250,000. Funds used for this removal action came from our advice of allowance during fiscal year 2011.

Please indicate your approval of the verbal authorization for the removal action at the White Rox Chemical Company Site as per current Delegation of Authority, by signing below.

Approved: _____ Date: 8/17/2012

Walter E. Mugdan, Director
Emergency and Remedial Response Division

Disapproved: _____ Date: _____

Walter E. Mugdan, Director
Emergency and Remedial Response Division

cc: (after approval is obtained)

W. Mugdan, ERRD-D
J. LaPadula, ERRD-DD
E. Mosher, ERRD-RPB
J. Rotola, ERRD-RAB
J. Daloia, ERRD-RPB
B. Grealish, ERRD-RAB
D.. Karlen, ORC-NJSB
G. Burke, ORC-NJSB
M. Mears, PAD
K. Giaccobe, OPM-FMB
D. Pace, OPM-FMB
T. Tao, OPM-GCMB
T. Grier, 5202G
P. McKechnie, OIG
A. Raddant, USDOI
E. Putnam, NJDEP
L. Rosman, NOAA
R. Craig, RST