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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In The Matter Of:	)	
	)	
SOUTHERN PACIFIC TRANSPORTATION COMPANY	)	ORDER
	)	
	)	
Respondent	)	87-04
	)	
PROCEEDING UNDER SECTION 106(a)	)	
OF THE COMPREHENSIVE ENVIRONMENTAL	)	
RESPONSE, COMPENSATION AND LIABILITY	)	
ACT OF 1980 (42 U.S.C. 9607(a)	)	

The following Order is issued to SOUTHERN PACIFIC TRANSPORTATION COMPANY ("Respondent") pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. 9606(a), by authority delegated to the undersigned by the Administrator of the United States Environmental Protection Agency ("EPA"). Notice of the issuance of this Order has heretofore been given to the State of California.

The Director, Toxics and Waste Management Division, EPA Region 9 has determined that there may be an imminent or

substantial endangerment to the public health or welfare or to the environment because of an actual or threatened release of hazardous substances from a facility owned by Southern Pacific Transportation Company.

This Order directs Southern Pacific Transportation Company, to undertake actions to protect the public health and welfare and the environment from this endangerment.

FINDINGS OF FACT

Background

1. Respondent Southern Pacific Transportation Company owns property located between Alcalde Road and 5th Street, east of Elm Avenue and west of Warthan Creek and Hayes Street in Coalinga, California ("the facility"; see Figure 2 in Attachment A).

2. Parts or all of the facility were or are leased by Southern Pacific Transportation Company, Southern Pacific Land Company or Santa Fe Southern Pacific Corporation to the U.S. Asbestos Company, Marmac Industries, the Atlas Asbestos Company and perhaps others for use as distribution centers for milled asbestos product and chromium ore.

3. On April 22, 1987, the EPA conducted an inspection of the Coalinga area, including the facility. EPA identified numerous areas of possible high asbestos concentrations and chromium contamination in the soil on Southern Pacific Transportation Company land.

4. As a result of the observations noted in the inspection, a Special Study was conducted by EPA to determine the extent of hazardous waste contamination in the city of Coalinga which is described in the "Coalinga Site Soil Plan" dated June 5, 1987.

A copy of this plan is attached to this Order and has been marked and will be referred to hereafter as "Attachment A." Four of the eight sites described in Attachment A are involved in this Order as follows:

Site 1) Marmac Abandoned Warehouse - The warehouse is located on Elm Avenue (Highway 198) in the southwest section of Coalinga across the road from the California Department of Forestry building. The site is suspected of having been a chromium ore and asbestos distribution center and currently houses approximately 1,400 cubic yards of suspected chromium ore waste.

Site 2) Storage Yard - Approximately one-half mile south of the warehouse on Elm Avenue (across the Road from 926 W. Elm Avenue) on the east side of the road, a lot containing stacked pipes was observed. The pipes are suspected of containing asbestos.

Site 3) Atlas Shipping Yard - An asbestos distribution center was operated in Coalinga by the Atlas Asbestos Company at the vicinity of 6th Street and Glenn Avenue. Lots occupied by the Coalinga Automotive Center and Coalinga Machine Works are suspected former railroad shipping areas for asbestos.

Site 7) U.S. Asbestos Company - Currently, the property is occupied by the Miller Transport Company. Mounds located on the premises alledgedly are asbestos waste piles.

4. On June 16 and 17, 1987 EPA conducted Special Study field work in the city of Coalinga pursuant to Appendix A.

5. The results of the Special Study conducted by EPA will be presented to Southern Pacific Transportation Company in a finalized report by August 30, 1987.

5. As described in the following paragraphs and set forth more fully in Attachment A, EPA has determined that the facility presents an imminent and substantial endangerment to public health, welfare and the environment.

ENDANGERMENT

6. Hazards:

Site 1: Approximately 1,400 cubic yards of chromium waste are present within the facility at Site 1. The hazardous substance is stored improperly and access into the building is not limited.

Sites 2, 3 and 7: Preliminary soil sample results show up to 15% asbestos by weight at these sites.

7. Population at Risk: In the event of heavy winds, which are frequent in the Coalinga area, asbestos fibers may be transported via the air and may be inhaled by local residents. Vehicular traffic over the asbestos waste as well as normal day-to-day activities of the residents may reintroduce the asbestos fibers into the air. Children currently play in the abandoned Marmac Warehouse and may ingest chromium laden soils. In the event of an earthquake, the Marmac Warehouse may be further damaged, thereby increasing exposure to the hazardous substances.

The facility is located in a mixed light-industrial and residential area; many homes and businesses are located in the immediately vicinity of the facility. The Coalinga Junior High and High schools, the West Hills College and the Coalinga Convalescent Center are located within a mile of the facility.

Approximately 7,500 residents of Coalinga and 3,000 residents of Huron are potentially being exposed to the airborne asbestos.

CONCLUSIONS OF LAW

1. Respondents are persons as defined in Section 101(21) of CERCLA, 42 U.S.C. §9601(21).

2. The Southern Pacific Transportation Company property in Coalinga, California which is the subject of this Order, is a facility as defined in Section 101(9) of CERCLA, 42 U.S.C. §9601(9).

3. Respondent Southern Pacific Transportation Company owned the facility at the time hazardous substances were improperly stored and/or disposed, and is a responsible party as defined in Section 107(a)(3) of CERCLA, 42 U.S.C. §9607(a)(3).

4. Respondent Southern Pacific Transportation Company is the current owner of the facility, and is a responsible party as defined in Section 107(a)(3) of CERCLA, 42 U.S.C. §9607(a)(3).

5. Many substances found on the facility, as listed in paragraph six in the Findings of Fact, are hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C. §9601(14) and Title 40 of the Code of Federal Regulations Part 300 [40 C.F.R. Part 300].

DETERMINATIONS

Based upon the foregoing Findings of Fact and Conclusions of Law, the Director, Toxics and Waste Management Division, EPA Region 9 has made the following determinations:

1. The release and threatened release of hazardous substances and pollutants or contaminants at or from the facility may present an imminent and substantial endangerment to public health and welfare and the environment.

2. In order to prevent or mitigate immediate and significant risk of harm to human life and health and to the environment, it is necessary that immediate action be taken to contain and prevent the release and potential release of and public exposure to hazardous substances, pollutants or contaminants from the Southern Pacific Transportation Company facility.

3. The response measures ordered herein are consistent with the National Contingency Plan, 40 C.F.R. Part 300.

4. Respondent is the current owner of the facility responsible for conducting the actions ordered herein, which are necessary to protect public health and welfare and the environment.

ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law and Determinations, the Respondent is hereby ordered and directed to implement the following measures:

HAZARDOUS SUBSTANCE CONTAINMENT PLAN

1. On September 4, 1987 the Respondent shall submit to EPA a written proposal for the immediate containment of hazardous substances currently found at the facility and a proposal for improved security to limit access to the Marmac Warehouse and to other portions of the facility presenting an imminent and substantial endangerment. The written proposals shall be in the form of a plan. At a minimum, the plan shall include: (A) provisions for securing all doors to the warehouse and for the installation of at least a six-foot high chain link fence topped with barbed wire around the perimeter of the warehouse by August 28, 1987; B) provisions for limiting access into other areas of the facility identified as containing asbestos waste; C) provisions for the

installation of large metal signs at least three-feet by three-feet on each side of the warehouse in Spanish and English, warning of hazardous substances inside the warehouse and forbidding entry to the premises; D) provisions for ensuring the structural integrity of the warehouse building or for its removal; E) provisions for taking immediate actions such as dust suppression measures necessary to reduce off-site migration of the chromium contaminants and asbestos in the soils on the facility; F) provisions for disposal of the chromium waste in the Marmac Warehouse; G) a list of property in and near the city of Coalinga owned by Southern Pacific Transportation Company from 1955 to the date of this Order as well as any other information available regarding deeds, leases, licenses and other evidence of ownership or operations at the facilities; H) provisions for a hazardous substance removal plan describing hazardous substance contaminant and further cleanup (as opposed to initial containment) in the city of Coalinga, with follow-up sampling, and operation and maintenance; I) provisions for site safety measures to protect on-site workers and the surrounding community during the containment and cleanup actions; and (J) an implementation schedule. The plan shall ensure that all equipment used at the site is decontaminated in accordance with EPA guidelines.

2. Within two (2) days of EPA approval of the hazardous substance containment plan, Respondent shall begin implementation of the plan. Respondent shall fully implement the hazardous substance containment plan as approved by EPA within the time period set forth in the schedule.

HAZARDOUS SUBSTANCE REMOVAL PLAN

3. By September 25, 1987, the Respondent shall submit to EPA for approval a plan to remove the hazardous substances from the facility and all adjacent areas which are contaminated with asbestos and chromium-laden materials presenting an imminent and substantial endangerment. To reduce the immediate threat, the material should be decontaminated so that no more than 1% asbestos remains in the soil. At a minimum, this plan should address the following areas: (A) all surface areas, the roof and beams, fixtures, equipment, and rubbish within the Marmac Warehouse facility; and (B) all areas identified in Attachment A and confirmed by the EPA June 16 and 17, 1987 sampling effort as containing asbestos fibers or waste material; C) the decontamination plan shall also include: site safety measures and dust/particulate monitoring to protect on-site workers and the surrounding community during the cleanup; post cleanup confirmation sampling; and an implementation schedule.

4. Within five (5) days of completion of the hazardous materials containment phase, Respondent shall begin implementation of the removal plan. The removal plan must be approved by EPA before Respondent may begin implementation of the plan. Respondent shall fully implement the removal plan as approved by EPA within the time period set forth in the schedule.

PROJECT COORDINATOR

5. By August 28, 1987, the Respondent shall designate and provide EPA with the name and address of a Project Coordinator whose responsibilities will be to receive all notices, comments, approvals and other communications from EPA to the Respondent.

REPORTING REQUIREMENTS

6. Within thirty (30) days of completion of the activities outlined above, Respondent shall submit to EPA a report describing the hazardous substance immediate containment, security, removal and facility decontamination actions.

Respondent is further ordered as follows:

COMPLIANCE WITH APPLICABLE LAWS

In carrying out the terms of this Order, Respondent shall comply with all applicable federal, state and local laws and regulations. All hazardous substances and wastes removed from the facility must be handled in accordance with Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. 6921 et seq, 40 CFR Parts 262, 263, and 265, and the California Hazardous Waste Control Act [Health and Safety Code § 25100 et seq.].

SUBMITTALS

All submittals and notifications to EPA pursuant to this Order shall be made to:

Director, Toxics and Waste Management Division
Environmental Protection Agency, Region 9
215 Fremont Street
San Francisco, California 94105

Copies of all submittals and notifications shall be sent simultaneously to:

Ms. Jennifer Decker
Environmental Protection Agency T-4-3
215 Fremont Street
San Francisco, CA 94105
(415) 974-8161

Ms. Jeanine Jones
Northern California Section
California Department of Health Services
4250 Power Inn Road
Sacramento, CA 95826
(916) 739-4614

Mr. Gary Carozza
Fresno County Department of Health
P.O. Box 11867
Fresno, CA 93775
(209) 445-0666

Mr. John Schroeder
Fresno County Air Pollution Control Division
P.O. Box 11867
Fresno, CA 93775
(209) 445-3239

The Respondent must consult with the above-listed regulatory agencies to ensure that the plans submitted pursuant to this Order are consistent with state and local requirements. No informal advice, guidance, suggestions or comments by EPA regarding reports, plans, specifications, schedules or any other writing shall be construed to relieve the Respondent of its obligation to obtain such formal approvals as may be required herein.

ACCESS

Employees and authorized representatives of EPA, State Department of Health Services, Fresno County Health Department, and Fresno County Air Pollution Control Division shall have free access to the facility for the purpose of verifying compliance

intended to limit in any way the right of entry or inspection that EPA or other agency may otherwise have by operation of law.

ON-SCENE COORDINATOR

EPA shall appoint an On-Scene Coordinator (OSC) who shall have the authority to be on-site at all times when response work is being undertaken pursuant to this Order. The OSC shall have the authority vested in the "On-Scene Coordinator" by 40 C.F.R. Part 300, et seq.

ENDANGERMENT DURING IMPLEMENTATION

In the event that the Director, Toxics and Waste Management Division, EPA, Region 9 determines that any activities (whether pursued in implementation of or in noncompliance with this Order) or circumstances are endangering the health and welfare of people on the site or in the surrounding area or to the environment, the Director may order the Respondents to stop further implementation of this Order for such period of time as needed to abate the endangerment.

GOVERNMENTAL LIABILITIES

The United States Government shall not be liable for any injuries or damages to persons or property resulting from the acts or omissions of the Respondent, its employees, agents or contractors in carrying out activities pursuant to this Order, nor shall the Federal Government be held as a party to any contract entered into by the Respondents, or its agents in carrying out activities pursuant to this Order.

PENALTIES FOR NONCOMPLIANCE

A willful violation or failure or refusal to comply with this Order, or any portion thereof, may subject the Respondent to a civil penalty of not more than $25,000 per each day in which a violation occurs or such failure to comply continues, pursuant to the provisions of Section 106(b) of CERCLA, 42 U.S.C. §9606(b). Failure to comply with this Order, without sufficient cause, may also subject you to punitive damages in an amount up to three times the total of all costs incurred by the Government as a result of your failure to take proper action, pursuant to the provisions of Section 107(c)(3) of CERCLA, 42 U.S.C. §9607(c)(3).

EPA may take over the response actions required by this Order at any time if EPA determines that Respondent is not taking appropriate action to mitigate the site hazard. In the event EPA assumes responsibility for these actions, Respondent shall be liable for all costs incurred by EPA to mitigate the site hazard. EPA may order additional actions if deemed necessary by EPA to protect the public health or welfare or the environment.

OPPORTUNITY TO CONFER

You may request a conference with the Director, Toxics and Waste Management Division, EPA Region 9 or his staff to discuss the provisions of this Order. At any conference held pursuant to your request, you may appear in person or by counsel or other representatives for the purpose of presenting any objections, defenses or contentions which you may have regarding this

Order. If you desire such a conference, you must make such request orally within 24 hours of receipt of this Order, to be immediately confirmed in a written request. Please make any such request to either of the contact persons listed below.

PARTIES BOUND

This Order Shall apply to and be binding upon the Respondent, its officers, directors, agents, employees, contractors, successors and assigns.

NOTICE OF INTENT TO COMPLY

Immediately upon receipt of this Order, Respondent shall orally inform EPA of its intent to comply with the terms of this Order. This shall be confirmed in writing within two (2) days of days of receipt of this Order.

EFFECTIVE DATE

Notwithstanding any conferences requested pursuant to the provisions of this Order, this Order is effective upon receipt, and all times for performance shall be calculated from that date.

It is so ordered on this 24 day of August, 1987.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: Jeffrey Zelikson

JEFFREY ZELIKSON
ACTING DIRECTOR, TOXICS & WASTE MANAGEMENT DIVISION
EPA, REGION 9

Contact Persons:

Jennifer Decker
Superfund Programs Branch (T-4-3)
U.S. Environmental Protection Agency
215 Fremont Street
San Francisco, California 94105
(415) 974-8161

Coalinga On-Scene Coordinator
Emergency Response Section (T-3-3)
U.S. Environmental Protection Agency
215 Fremont Street
San Francisco, California 94105
(415) 974-7464

Jon Wactor
Assistant Regional Counsel (ORC)
U.S. Environmental Protection Agency
215 Fremont Street
San Francisco, California 94105
(415) 974-8042

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