R. Salkie

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NEW YORK 10278

ACTION MEMORANDUM

DATE:

SUBJECT: Request for a Removal Action at the Bayonne Barrel and Drum (BB&D) Trailer Site, Newark, Essex County, New Jersey

FROM: Robert J. Montgomery, On-Scene Coordinator
Removal Action Branch - Technical Support Section

Michael Ferriola, On-Scene Coordinator
Removal Action Branch - Removal Section A

TO: George Pavlou, Acting Director
Emergency and Remedial Response Division

THRU: Richard C. Salkie, Associate Director
Removal and Emergency Preparedness Programs

Site ID No.: BB

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed removal action described herein for the BB&D Trailer Site (Site), located at 150-154A Raymond Boulevard in Newark, Essex County, New Jersey 07105. This request for a removal action is based upon a September 30, 1991 referral of the Bayonne Barrel and Drum Site "proper" from the New Jersey State Department of Environmental Protection and Energy (NJDEPE) for consideration of appropriate action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended, 42 U.S.C. §§ 9601, et seq.

The unsecured trailer was abandoned at the Site sometime in early 1992. Efforts to obtain responsible party action have been unfruitful. The Site proper is presently being addressed under an Environmental Protection Agency (EPA) Resource Conservation Recovery Act (RCRA) lead.

The proposed action will have a total project ceiling of $121,000 of which $66,000 is for mitigation contracting.

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The Site is not on the National Priority List (NPL) and there are no nationally significant nor precedent setting issues involved, nor is the removal action expected to exceed one year or two million dollars.

II. SITE CONDITIONS AND BACKGROUND

A. Site Description

1. Removal site evaluation (RSE)

Pursuant to approval by the Bankruptcy Court, a portion of the now defunct Bayonne Barrel and Drum Site has been leased reportedly to pay for site security, lighting and a consultant for remediation of the site proper (unrelated to the trailer). Chemical Transport, Inc. (CTI), located at 184 Doremus Avenue, Newark, New Jersey, 07105 leased the front portion of the property for storage of empty tankers for a fee. Subsequently, CTI reportedly subleased (verbal agreement by deceased partner) to ABC Demolition and Dismantling (ABC), 54 Silver Street, Bayonne, New Jersey 07002, for storage of box trailers. Currently, CTI tankers are still using the lot for storage.

On June 24 and July 7, 1992, a member of the Technical Support Section (TSS) of the Removal Action Branch (RAB) viewed a number of box trailers parked on the Bayonne Barrel and Drum property, which was previously evaluated for a CERCLA removal action. One was painted over, but originally labeled Farmland. These trailers were not present during the initial RSE of the Site proper.

On July 15, 1992, a Site visit by TSS representatives revealed that twelve drums in the trailer were found to contain material above residual amounts. Half of these were found to be ignitable through field hazard categorization tests and subsequently confirmed through laboratory analysis. Elevated levels of organic vapors were detected in some of the drums. Approximately 30 of the drums were found to be either empty or containing only residual levels of material.

The unsecured trailer contains ignitable materials (flash points less than 140 degrees F) that pose a threat to human health. The materials in the trailer have been discarded at the Bayonne Barrel and Drum property and potential violations of RCRA transportation and storage violations may exist. Due to the volatility of the materials in the trailer, a fire could result which could impact the buildings at the site in close proximity to the trailer. The trailer is within 100 feet of a heavily travelled Route 1-9 exit ramp that leads into the New Jersey Turnpike. The drums in the trailer are exposed to the elements and are readily accessible to anyone at or outside of the facility.

Although there is a guard present at one end of the Bayonne Barrel and Drum facility, the gates are left open for the CTI drivers. When a guard is not present (at times in the late afternoon or evening as noted on July 15), the trailer is accessible from other locations of the property. It should be noted that the CTI drivers have keys to the Bayonne Barrel and Drum entrance gate.

No pre-remedial activities have been conducted nor are any planned with regards to the Site. Pre-remedial investigations have previously taken place at the BB&D Site proper.

2. Physical location

The BB&D Trailer Site is located at 150-154A Raymond Boulevard in Newark, Essex County, New Jersey. The Comprehensive Environmental Response Compensation and Liability Information System I.D. No. is NJD986644946.

The BB&D Site proper occupies approximately 15 acres of Block 5002, Lots 3 and 14. The facility, formerly the location of a drum reconditioning facility, is bounded by Raymond Boulevard and an exit ramp from Routes 1 and 9 to the north and west, an entrance ramp to the New Jersey Turnpike to the east and south, and the parking lot of a movie theater to the south and west (see Figure 1). Although the Site is located in a heavily industrialized area, the nearest residential area is approximately one-half mile away.

3. Site characteristics

BB&D operated a Transportation, Storage and Disposal (TSD) facility from the early 1940's until the early 1980's when the company filed for bankruptcy under Chapter 11. Currently, all of the original buildings which existed during the facility's operations remain standing. There are three vertical storage tanks, underground storage tanks, ash piles (approximately 1,600 cubic yards), shredded tires, 300-350 drums and an ash pile in one of the buildings, and approximately 45,000 empty and partially full drums. The maintenance and security of the Site is described in Section II.A.1.

The trailer itself has been abandoned at the Bayonne Barrel and Drum property since at least spring of 1992, as witnessed by a representative of the TSS. It is not of road-worthy condition since its rear portion has been cut off leaving the drums exposed to the weather elements and to any trespassers. This was reportedly done before the trailer was brought to the Site. Additionally, the vehicular registration is not current. The parties involved in the leasing and subleasing arrangements on the BB&D property all deny first-hand knowledge of the trailer's contents.

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

Twelve drums in the trailer were observed by TSS and the Technical Assistance Team (TAT) personnel to contain material. Half of these were found to be ignitable through field hazard categorization tests and five of these subsequently confirmed through analysis at a private laboratory for the RCRA Characteristic of Ignitability. The flash points of these samples ranged from 80°F to 125°F. Elevated levels of organic vapors were detected in some of the drums. Approximately 30 containers were found to be empty or contain residual material.

The Unlisted Hazardous Waste Characteristic of Ignitibality is classified as a CERCLA designated Hazardous Substances, as listed in 40 CFR Table 302.4.

The mechanism for future releases to the environment include deterioration and/or disturbance of the containers present at the Site. Liquid released from these containers would either migrate to a storm sewer and be discharged to a waterbody, or flow towards the portion of the lot where the other tankers are stored, and the drivers and security guard interact. The liquid would travel in this direction due to the grade of the ground. Organic vapors, if released, could migrate from the trailer resulting in potentially ignitable conditions in the vicinity where other tankers enter and leave the facility.

Potential routes of exposure thus include; human contact with released materials, fire/explosion and exposure to the resulting emissions.

The drums' direct exposure to the elements could significantly increase their rate of deterioration. The presence of the trailer in a highly visible location near Raymond Boulevard, and an exit from Route 1-9, increases the availability of direct access to the drums. The presence of old structures next to the trailer increases the potential for a fire to spread further and potentially impact drums and piles of hazardous waste stored in these buildings.

5. NPL status

The Site is not a NPL site. The Site has not, nor is it expected to receive, a Hazard Ranking System (HRS) rating. Since the Site would not receive a high HRS rating, it will not be referred to the pre-remedial assessment program for a site investigation.

Due to the above reasons this Site is not being evaluated by the Agency of Toxic Substances and Disease Registry.

B. Other Actions to Date

1. Previous actions

With the exception of an ongoing RCRA enforcement action, there have been no other previous Federal or private actions taken at the Site. The RCRA enforcement action does not involve this trailer.

2. Current actions

Currently, there are no on-site Federal removal actions taking place.

C. State and Local Authorities' Role

1. State and local actions to date

The State of New Jersey has not had any significant involvement with the Site.

2. Potential for continued State/local response

There are no State/local actions taking place at the Site.

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

A. Threats to Public Health or Welfare

The Site poses a threat to public health or welfare as defined in §300.415(b)(2) of the National Contingency Plan (NCP) and as discussed below.

The contents of the trailer pose a potential threat of exposure to Unlisted CERCLA hazardous substances by nearby populations (§300.415(b)(2)(i)).

> The threat includes: nearby residents and businesses, passers-by on Route 1-9 and Raymond Boulevard, guards at the facility, and truck drivers that enter the lot to pickup or drop off tankers. The presence of the trailer in a highly visible location near Raymond Boulevard, and an exit from Route 1-9, increases the availability of direct access to the drums. Although a fence surrounds BB&D there are holes cut in several areas that allow for access to the site. Additionally, the portion of the fence that runs along the New Jersey Turnpike entrance ramp is only four feet high. Potential routes of exposure thus include: human contact with released materials, fire/explosion and exposure to the resulting emissions.

Unlisted hazardous substances exist in drums that pose a threat of release (§300.415(b)(2)(iii)).

Deterioration and/or improper disturbance of the containers present a hazard at the Site. Liquid released from these containers would either migrate toward a storm sewer and discharge to a waterbody, or flow towards the portion of the lot where the other tankers are stored, and the drivers and security guard interact. The liquid would travel in this direction due to the grade of the ground. Organic vapors, if released, could migrate from the trailer, resulting in potentially ignitable conditions in the vicinity where other tankers enter and leave the facility.

Weather conditions exist that may cause substances to migrate or be released {§300.415(b)(2)(v)}.

The drums' direct exposure to the elements, as they are stored in a partially roofless trailer, could significantly increase their rate of deterioration. This could result in a release from the containers and migration away from the trailer via runoff.

The threat of fire or explosion exists {§300.415(b)(2)(vi)}.

As previously discussed, field and laboratory analytical testing has revealed the presence of flammable and combustible materials in these drums. The presence of old structures next to the trailer increases the potential for a fire to spread and potentially impact drums and piles of hazardous waste stored in these buildings.

B. <u>Threats to the Environment</u>

Due to the industrial setting that BB&D Trailer is located in, there does not appear to be a substantial threat to sensitive ecosystems or an exposure to hazardous substances by nearby animals and the food chain. However, a release from the Site could reach nearby waterways or already affected ecosystems that have been impacted by other facilities. The ground water in the general area is not used for drinking water.

C. <u>Statutory and Regulatory Authorities</u>

The availability of other appropriate response mechanisms does not appear to be present {§300.415(b)(2)(vii)}.

The potentially responsible party CTI denies responsibility for the trailer and its containers. All other PRP, ABC has not yet responded to our information request. All other parties involved, i.e., NJDEPE and the EPA RCRA Program either do not currently have the funding available or a mechanism to initiate this action in an expedited manner.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED ACTIONS AND COST ESTIMATES

A. Proposed Actions

1. Proposed action description

Removal of the drums from the trailer and off-site RCRA disposal is the only feasible solution for mitigating threats posed by the situation. In this manner, a timely and effective response will achieve protection of human health and the environment. Site stabilization without disposal would provide only a temporary solution to the threats posed by the Site.

The proposed scope of work for this time-critical removal action would include the following: sampling and analysis of all materials and containers for hazard categorization (Haz-catting), waste profiling and potential enforcement actions; staging and possible bulking of similar materials; preparation of materials in Department Of Transportation approved containers for transport; cleaning and recycling/disposal of any remaining empty containers; and final shipment to a RCRA-permitted treatment, storage, disposal facility (TSDF) that is in compliance with the CERCLA Off-site Treatment, Storage and Disposal Policy in accordance with Section (2)(d)(3) of CERCLA, Policy. Temporary storage at the Site will probably be required at some point while awaiting acceptance from a TSD facility. The area and the manner in which the materials are stored will be secured by the OSC.

Based on the results of the Haz-Catting and subsequent profiling of the materials, a determination will be made as to the most cost effective and technically sound treatment/disposal method available. There are approximately 12 drums in the trailer with some material present in them. Based on the findings of the removal assessment it appears that the materials may either be recycled, treated at a wastewater treatment plant or incinerated.

All samples will be collected and analyzed, as per OSWER Directive 9360.4-01 (Quality Assurance/Quality Control Guidance for removal Activities), SW-846 and other pertinent EPA regulatory requirements.

At this time, there does not appear to be any vulnerable or sensitive populations, habitats or natural resources that will be affected by the removal action. No cross-media relationships and potential adverse impacts are expected with any of the intermediate steps of the action.

At the completion of this removal action, the trailer will remain on the Bayonne Barrel and Drum property unless it is found to be contaminated, in which case decontamination procedures will be established and executed.

2. Contribution to remedial performance

No further action will be required at this Site if the proposed removal action completes the cleanup.

3. Description of alternative technologies

As discussed in the proposed actions, the most probable alternatives to be used at the Site are either recycling, treatment at a wastewater treatment plant or incineration. These methods will provide the most implementable, technically feasible and cost effective methods in which to achieve the objectives of this action.

4. EE/CA

This action is a time-critical removal and as such, does not require an EE/CA.

5. Applicable or relevant and appropriate requirements (ARARs)

ARARs that are within the scope of this removal action which pertain to the disposal of hazardous wastes will be met to the extent practicable. Federal ARARs determined to be applicable for this removal action are RCRA, Occupational Safety and Health Act and Hazardous Materials Transportation Act.

6. Project schedule

Based on the documented amounts of material on the Site, it is estimated that the removal action will require three months to complete (Appendix B).

B. ESTIMATED COSTS

A summary of the estimated costs for the stated action at BB&D Trailer is provided below. A detailed analysis of the costs are provided in Appendix C.

Extramural Costs:	Proposed Ceiling
Regional Allowance Costs: (Total cleanup Contractor Costs includes: labor, equipment, materials laboratory disposal analysis, transportation and disposal. Includes a 20% contingency)	$65,768.00
Other Extramural Costs Not Funded From the Regional Allowance: Total TAT, including multiplier costs	$12,960.00
Subtotal, Extramural Costs	$78,728.00
Extramural costs contingency	$11,809.00
TOTAL, EXTRAMURAL COSTS	$90,537.00

Intramural Costs

Intramural direct costs.....$9,900.00

Intramural indirect costs.....$20,400.00

TOTAL, INTRAMURAL COSTS.....$30,300.00

TOTAL REMOVAL PROJECT CEILING.....$120,837.00

ROUNDED TOTAL PROJECT CEILING.....**$121,000.00**

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

Delayed action will increase public health risks due to the manner in which these containers have been abandoned. They are generally left unattended at the Site. The gate is sometimes left open and numerous persons have access to the property. The trailer is not secure and is easily accessible to anyone inside the facility. Also, further deterioration of the containers from exposure to the elements increases the potential for a release.

VII. OUTSTANDING POLICY ISSUES

There are no apparent outstanding policy issues associated with this site.

VIII. ENFORCEMENT

The owner of the BB&D property is deceased. In order to raise funds for site security, lighting and for consultant fees associated with the remediation of the site proper, a portion of the facility has been leased to CTI, Newark, New Jersey. This company has reportedly subleased the property to ABC, Bayonne, New Jersey. Mr. Milton Raff of North Metro Realty, Newark, New Jersey appears to be responsible for these leasing agreements.

An investigation is ongoing to determine responsibility for the placing of the drums in the unsecured trailer. Toward this end, request for information letters have been sent to CTI and ABC. CTI replied that they have no knowledge of the trailer or the drums in it. ABC has failed to respond to two information requests.

At this time, there are no PRPs that are willing to undertake timely response actions to eliminate the threats posed by the drums in the unsecured trailer.

Due to the time-critical nature of the proposed removal action, and the fact that no PRP is available to perform the proposed response promptly and properly, EPA is proposing to initiate action at this Site to protect public health and the environment. Efforts to locate PRPs will continue throughout the removal

action to support cost recovery efforts and possible PRP involvement in any future response actions at the site proper.

IX. RECOMMENDATION

This decision document represents the selected removal action for the BB&D Trailer Site in Newark, New Jersey. It has been developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based upon the administrative record for the Site.

Conditions at the Site meet the NCP Section 300.415 (b)(2) criteria for a removal action and I recommend your approval of the proposed removal action. The total project ceiling if approved will be $121,000, of which $66,000 is for mitigation contracting. The estimated costs of $66,000 requested for mitigation contracting is available from the Regional removal allowance.

Please indicate your approval and authorization of funding for the BB&D Trailer Site, as per Delegation of Authority by signing below.

Approved: John Frisco Date: 3/26/93
George Pavlou, Acting Director
Emergency and Remedial Response Division

Disapproved: _____ Date: _____
George Pavlou, Acting Director
Emergency and Remedial Response Division

cc: (after approval is obtained)
W. Muszynski, ARA
R. Salkie, ERR-ADREPP
G. Zachos, ERR-RAB
J. Frisco, ERR-DDNJP
M. Pane, ERR-RAB-A
J. Witkowski, ERR-RAB-TSS
J. Marshall, EPD
D. Karlen, ORC-NJSUP
R. Gherardi, OPM-FIN
D. Johnson, OPM-FAM
D. Dietrich, 5202G
S. Becker, ERR-PS
L. Miller, NJDEPE
D. Triggs, NJDEPE
C. Moyik, ERRD-PS
T. Grier, 5202G
J. Rosianski, 2EPD
C. Kelley, TAT
P. McKechnie, 2IG

APPENDIX A
MAPS

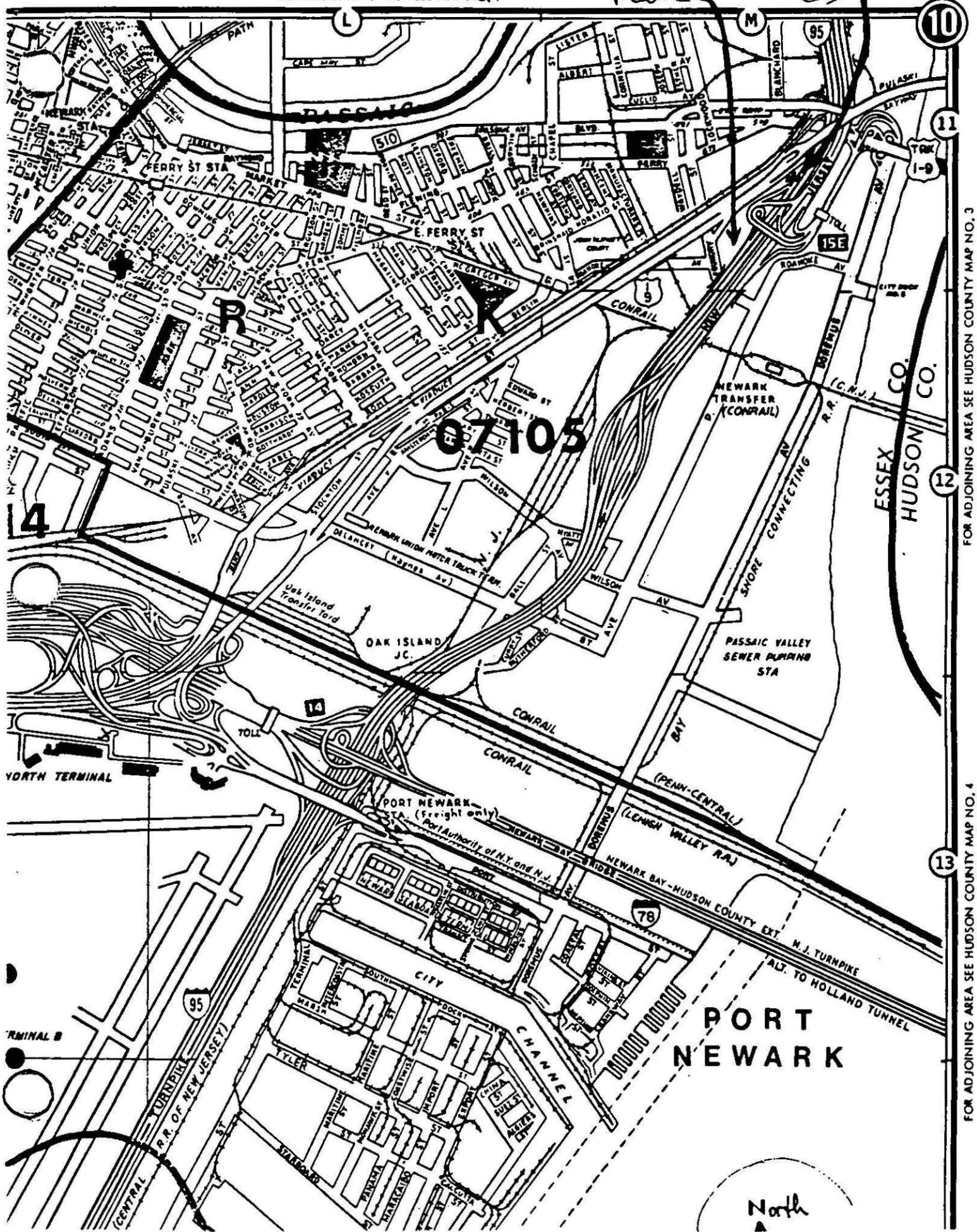
Closest resident is probably at least ½ mile to the west.

1 inch ~ 2,000'

Bayonne Barrel Site

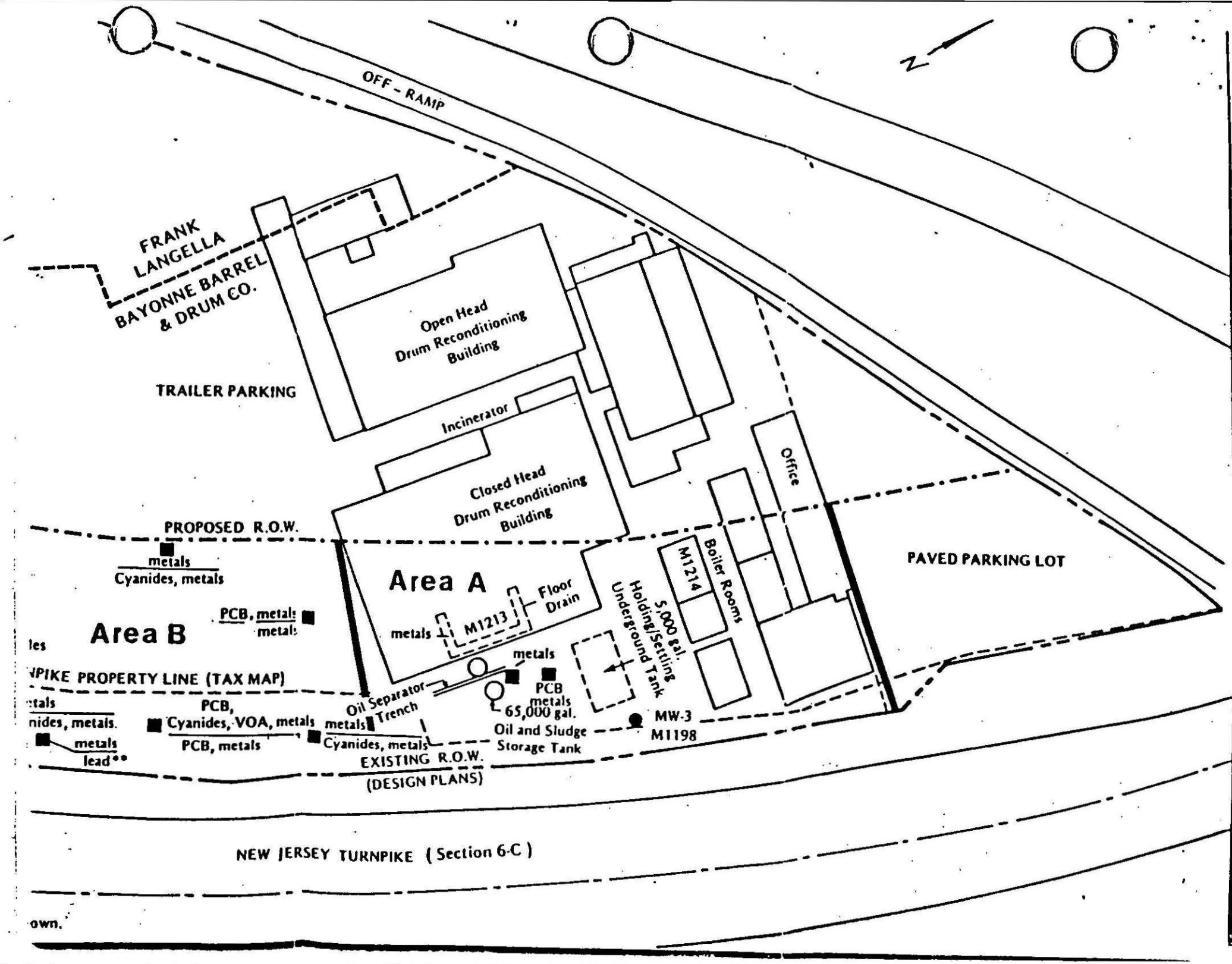
Theatre

FOR ADJOINING AREA SEE MAP NO. 9



FOR ADJOINING AREA SEE HUDSON COUNTY MAP NO. 3

FOR ADJOINING AREA SEE HUDSON COUNTY MAP NO. 4


OFF - RAMP
N
FRANK LANGELLA BAYONNE BARREL & DRUM CO.
Open Head Drum Reconditioning Building
TRAILER PARKING
Incinerator
Closed Head Drum Reconditioning Building
Office
PROPOSED R.O.W.
metals
Cyanides, metals
Area A
Floor Drain
M1213
metals
Boiler Rooms
M1214
5,000 gal. Holding/Settling Underground Tank
PAVED PARKING LOT
PCB, metals
metals
Area B
les
NPIKE PROPERTY LINE (TAX MAP)
metals
PCB
metals
65,000 gal. Oil and Sludge Storage Tank
MW-3
M1198
Oil Separator Trench
metals
PCB, Cyanides, VOA, metals
PCB, metals
Cyanides, metals
metals
lead**
EXISTING R.O.W.
(DESIGN PLANS)
NEW JERSEY TURNPIKE (Section 6-C)
own.

APPENDIX B
TIME LINE

PROJECT SCHEDULE **APPENDIX B**

The timeline for the removal action is anticipated to be as follows:

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First Month X Second Month X  Third Month XXX
|             |             |             |
|__|__|__|__|__|__|__|__|__|__|__|__|__|__|

|-----------|-----------|-----------|
inventory       bulking,    general site
sampling,waste  off-site    clean up and
analysis        disposal    demobilization
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