ORIGINAL
(RED)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEMS DocID 2261237

JAN 3 1990

MEMORANDUM

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

SUBJECT: Shaffer Equipment Removal Site, Minden, WV -- Removal Action

FROM: Hans J. Crump-Wiesner, Acting Director
for Emergency Response Division

TO: Thomas Voltaggio, Associate Director
Hazardous Waste Management Division
Region III

The purpose of this memorandum is to communicate my concern with shortcomings of the June 21, and November 17, 1989 ceiling increase requests submitted for the removal action at the Shaffer Equipment site, in Minden, West Virginia.

As you may recall, on May 10, 1989, ERD gave you verbal approval to continue site actions that went beyond the existing project ceiling. This verbal approval was given with the understanding that the formal action memo would be sent to Headquarters within a few days. We did not receive this action memo until six weeks later on June 21, 1989.

When the June 21, 1989 ceiling increase request was in the Headquarters approval process, my staff encouraged your staff to anticipate sufficient contingency funds in the proposed total project ceiling. Your staff indicated that they were certain every aspect of this straightforward removal had been anticipated and that there would not be any cost surprises. This, of course did not turn out to be the case. The overrun is especially puzzling because apparently the need for additional costs were the results of requirements by the Region's Safety Officer and should have been foreseen.

The need for the current November 17, 1989, ceiling increase was never communicated verbally to Emergency Response Division prior to the finalized request being transmitted to Headquarters. In these kinds of circumstances we should be notified as soon as you realize there is a problem. Then we can work together to find the best solution.

Please emphasize to your OSC's and administrative staff that it is their responsibility to see that project ceilings are not exceeded. If there is any chance that a ceiling increase is needed, you must begin preparation of a waiver request in time to get it processed and approved. In these rare cases where you may unexpectedly find a project up against a ceiling and you cannot afford to have the work stop, let us know so that we can obtain a verbal approval, which will suffice to keep the action legal.

Printed on Recycled Paper

ORIGINAL
(RED)

FACT SHEET
SHAFFER EQUIPMENT SITE
MINDEN, WEST VIRGINIA

ISSUE: Region III is seeking AA/OSWER approval of a ceiling increase for the Shaffer Equipment site. The Region is requesting a $65,620 increase, which would raise the total project ceiling from $4,245,280 to $4,310,700. The additional funds are needed for unexpected analytical costs already incurred.* Region III's 1st quarter FY-90 removal allocation contains sufficient funds for this action.

BACKGROUND: The first EPA removal action occurred at this site between 1984 and 1987. PCB contaminated soil and debris were excavated and disposed of offsite. At that time, the PRP was given notice to dispose of approximately 19 deteriorating and leaking drums still onsite. In late April 1989, EPA revisited the site at the request of a local citizens group and Senator Jay Rockefeller, and found that the PRP had not removed the 21 deteriorating drums. The PRP was again asked to remove the drums, but declined. On August 7, 1989, the AA/OSWER approved a ceiling increase for the proper removal and disposal of the drums, contaminated soils and wastewater. The response activities abated the fire/explosion and human direct contact threat posed by these unsecured materials. During the response action, Region III unintentionally exceeded the project ceiling.

ACTIONS TO BE TAKEN: All response actions are complete. This waiver request is needed to bring the official project ceiling up to the costs that were actually incurred.

ENFORCEMENT: On June 14, 1989, Region III completed the potentially responsible party (PRP) search for this action. A Section 106 notice letter was sent to the only identified PRP. On June 30, 1989, the PRP declined to take over this action. The Region has decided not to pursue any further enforcement action because the PRP is not financially able to pay for the work.

RECOMMENDATION: OERR recommends that the AA/OSWER approve this ceiling increase request to complete the removal action at this site.

* ERD has sent a memo to Region III (copy attached to this fact sheet) reminding them of their responsibility for staying within the project ceiling.