UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

MEMORANDUM

DATE:

SUBJECT: **Request for a Removal Action at the Jasper Creosoting Site, Jasper, Jasper County, Texas**

FROM: **Patrick L. Hammack, Senior On-Scene Coordinator**
Site Response Section (6SF-R1)

TO: **Myron O. Knudson, P.E., Director**
Superfund Division (6SF)

THRU: **Charles A. Gazda, Chief**
Response and Prevention Branch (6SF-R)

I. PURPOSE

This memorandum requests removal action funding pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601 et seq., at the Jasper Creosoting Site (the Site) located in Jasper, Jasper County, Texas. The proposed action involves the stabilization, removal and off-site disposal of hazardous substances, pollutants, and contaminants from abandoned storage tanks, sumps, contaminated improperly closed impoundments and soil at the Site.

This action meets the criteria for initiating a removal action under Section 300.415 of the National Contingency Plan (NCP), 40 CFR § 300.415. This action is anticipated to require less than twelve months and approximately $1,211,507 to complete. Action was not initiated under the On-Scene Coordinator's (OSC's) $50,000 authority.

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II. Site CONDITIONS AND BACKGROUND

CERCLIS # TXD008096240
Category of removal: Time Critical
Site ID: H2
Latitude: 35° 55′ 58"
Longitude: 94° 58′ 56"

A. Site Description

1. Removal Site Evaluation

The Jasper Creosoting Site (the Site) was referred to the EPA Response and Prevention Branch (RPB) by citizens of Jasper in July 1995, during the removal action at Hart Creosoting which is also located in Jasper. Contact was made with the Texas Natural Resource Conservation Commission (TNRCC) and on August 4, 1995, a copy of a TNRCC internal June 1993 referral letter requesting State superfund action was forwarded to the On-Scene Coordinator (OSC)(Attachment 1).

The TNRCC had been active at the Site pursuant to the Resource Conservation and Recovery Act (RCRA) regulation of the Site. An EPA OSC and the Technical Assistance Team (TAT) conducted a site assessment of the Site on August 11, 1995.

2. Physical Location

The Jasper Creosoting Site is located on North McQueen Street in Jasper, Jasper County, Texas (Attachment 2). The Site consists of approximately 10 acres with residences adjacent to the west side of the Site property on both sides of McQueen Street. The Louisiana Pacific Lumber Mill is immediately adjacent to the Site to the north. The Atchison, Topeka and Santa Fe Railroad tracks separate the Site from a previously contaminated wetland area to the East. An empty lot and F.M. Road 776 border the Site to the south. Drainage from the site flows down gradient under the railroad into the wetland area and Sandy Creek. Sandy Creek then flows through the center of town where recreational parks have been constructed along its banks, then to the B.A. Stienhagen Lake.

3. Site characteristics

The TNRCC records indicate that wood preserving operations began at the Site in 1946. The facility operations consisted of steam conditioning and pressure treatment of wood using creosote and pentachlorophenol.

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The primary waste sources at this Site include a former surface impoundment/landfill, a drip pad, deteriorating settling and treatment tanks, contaminated treatment cylinders, overflowing sumps, wastewater holding tanks, filter boxes, cooling towers, storage containers and an incinerator. Additional areas of concern are the east side drainage ditch, the PCP makeup area, and the storage yard. The building and adjoining structure contain asbestos. Monitoring wells at the Site have been noted to contain free phase creosote products. A 1990 Texas Water Commission (TWC) Comprehensive Monitoring Evaluation (CME) inspection confirmed ground water contamination.

Due to the wood treatment processes used at the facility, the contaminants of concern are creosote related polynuclear aromatic hydrocarbons (PAHs), pentachlorophenol and asbestos. Reportedly, chromated copper arsenate (CCA) was not used at the facility.

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

Investigation of the Site revealed evidence of past releases of creosote and pentachlorophenol directly to the east side drainage ditch, through the railyard and into the wetland area. Creosote and pentachloroptienol are hazardous substances as defined in Section 101(14) of Cercla, 40 U.S.C. § 9601(14), and 40 C.F.R. 302.4. There is the possibility for future catastrophic releases from the deteriorating storage tanks and overflowing sumps which contain large volumes of waste.

5. NPL status

The Site did not score high enough using the Hazard Ranking System to be ranked on the NPL.

6. Maps, Pictures and other graphic representations

Attachment 1 State Fax Requesting Review of Site
Attachment 2 Site location map
Attachment 3 Site sketch
Attachment 4 RCMS Cost Projection
Attachment 5 Enforcement Addendum

B. Other Actions to Date

1. Previous actions

The Site was regulated through the State RCRA program. The TNRCC collected and analyzed numerous samples because of past releases into the environment.

On January 22, 1993 an agreed Final Judgement was issued to Jasper Creosoting in the District Court of Jasper County. The Texas Attorney General's office agreed with the TWC (TNRCC) that all RCRA enforcement alternatives had been exhausted.

Provision III of the Judgement provides for access to the TWC (TNRCC) and the EPA for activities conducted under the State and Federal superfund programs. Provision IV requires Jasper Creosoting to immediately liquidate all plant inventory and equipment. Provision V requires that the company provide the TWC (TNRCC) with an accounting and verification of receipts from the sale and a notice of deposit of the sales into the registry of the District Court. This work was never accomplished.

Prior to the January 1993 Final Judgement, the Site was operating under an Agreed Order Granting a Temporary Injunction issued on August 19, 1988 by the District Court of Jasper County. The facility was determined to be noncompliant with the Agreed Order. A TWC Notice of Deficiency letter was issued requiring the submittal of a revised Ground Water Quality Assessment Plan (GWQAP). The GWQAP was required by the Agreed Order. A TWC (TNRCC) Notice of Violation (NOV) letter was issued on March 8, 1991, regarding violations observed during the February 1990 inspection. There is no record of a response to the March 8, 1991 NOV letter in the TNRCC (TWC) files. According to the owner/operator's attorney, the owner/operator left the country and cannot be located.

2. Current actions

There are no current actions taking place at the Site.

C. State and Local Authorities' Roles

1. State and local actions to date

The State has not conducted any cleanup actions at the Site. However, the TNRCC RCRA office referred the Site to the State Superfund Program, which in turn requested the EPA RPB to evaluate the Site for removal potential.

2. Potential for continued State/Local response

In the State letter requesting RPB assistance they note that the site is large and complex and, therefore, will be more manageable with EPA resources. No further response from the State is expected.

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

A. Threats to Public Health or Welfare

Creosote and pentachlorophenol are defined as hazardous substances by section 101(14) of CERCLA, 42 U.S.C. § 9601(14)(c), and 40 C.F.R. Part 302.4. Furthermore, wastewaters, process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use creosote or pentachlorophenol are listed as F034 or F032 waste.

Creosote is composed of a complex mixture of polynuclear aromatic hydrocarbons, many of which are listed as carcinogenic in technical literature. Literature also indicates that exposure to creosote compounds in vapor or liquid form reportedly can cause irritation of the nose, throat, eyes, and skin. Prolonged contact with the skin could cause burns, possibly even skin cancer. Ingestion can result in salivation, vomiting, respiratory difficulties, thready pulse, headaches, hypothermia, and mild convulsions.

According to literature, pentachlorophenol ingestion may cause an increase and then a decrease in respiration, blood pressure, urinary output, fever, increased bowel action, motor weakness, collapse with convulsions and death. It can also cause contact dermatitis and/or lung, liver and kidney damage. Pentachlorophenol may be absorbed through the skin.

Asbestos has been listed as a carcinogen by the U.S. Environmental Protection Agency. Occupational exposure to the dust can cause many different lung cancers after a long latent period. Because the asbestos at this site is not a primary contaminant, it is not considered Nationally Significant in accordance with OSWER Directive 9360.0-19.

The sources of contamination, namely the process area, tanks, sumps, soil and the closed impoundment continue contributing to the uncontrolled release of hazardous substances into the environment. The prominent mechanism of transport is through the surface water pathway. Surface water runoff transports the hazardous substances from the sources of highly concentrated contamination down gradient through tributaries through downtown Jasper into Stienhagen Lake. Citizens could have direct contact with, or ingestion, of the toxic materials. Although the air pathway of contaminant transport was not evaluated during the investigations, the process area emits a noxious odor. The route of exposure due to inhalation will be dependent upon weather conditions, the distance from the sources of contamination, and the duration of exposure.

Prior to RPB's on-site investigation, creosote and/or pentachlorophenol had apparently been dumped or spilled onto the ground during the operation of the facility. Surface soil and tank samples collected by the TNRCC and the EPA have shown high concentrations of phenanthrene, anthracene and other PAHs.

The conditions at the Site meet the following factors which indicate that the Site is a threat to the public health or welfare or the environment and a removal action is appropriate under Section 300.415(b)(2) of the National Contingency Plan, 40 CFR § 300.415(b)(2). Any or all of these factors may be present at a site, yet any one of these factors may determine the appropriateness of a removal action.

1. Actual or potential exposure to human populations, animals, or the food chain from hazardous substances or pollutants or contaminants; §300.415(b)(2)(I)

A risk of exposure exists from the deteriorating tanks and overflowing sumps releasing into the nearby wetland area and creek.

Unauthorized persons, including children, living on or entering the unfenced Site, could be exposed to the sumps or tanks contents, the asbestos throughout the area, or the contaminated surface soil. The high concentration of hazardous substances in tanks and sumps pose a health threat to public exposure especially to the persons living on and adjacent to the site.

2. Actual or potential contamination of drinking water supplies or sensitive ecosystems; § 300.415(b)(2)(ii)

The stream adjacent to the Site receives the release of hazardous materials and eventually flows to Lake Stienhagen which supplies drinking water to the immediate area. The designated uses of this stream segment include high quality aquatic life, contact recreation and public water supply.

3. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate; § 300.415(b)(2)(iv)

The EPA investigation detected concentrations of creosote compounds as high as 64,000 mg/kg. The hazardous substances found at this site are largely stored in twenty two tanks of various sizes and numerous sumps throughout the facility area.

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4. Weather conditions that may cause hazardous substances, or pollutants or contaminants to migrate or be released; § 300.415(b)(2)(v)

High rain conditions common in the Southeast Texas area could dramatically raise the sump level and cause catastrophic release of all of the sump's contents to the nearby stream. High wind could collapse the deteriorating tanks causing a catastrophic release of their contents.

5. The availability of other appropriate federal or state response mechanisms to respond to the release; §300.415(b)(2)(vii)

Due to the volume of waste located at the Site, no other agency currently has the capability or resources to timely conduct the clean-up.

B. Threats to the Environment

The most immediate threat to the environment is from creosote or pentachlorophenol entering the drainage on the east side of the Site then flowing to the wetlands and Sandy Creek. Any material on the ground around the sumps will flow with storm water to the stream.

IV. ENDANGERMENT DETERMINATION

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

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

As discussed below, all of the actions to be taken on-site during this removal will comply with all applicable, relevant, or appropriate requirements (ARARs) to the extent practicable, considering the exigencies of the situation, and provide an effective mitigation of the imminent and substantial threats posed to the general public health and environment by the Site.

The proposed action involves the consolidation, removal and off-site disposal of all hazardous materials in the tanks, sumps and surrounding soil.

The liquids will be removed and disposed of off-site by incineration or deep well injection whichever is the most cost effective method. The contaminated sediment and soil will be excavated and temporarily stored on-site. Material sampling and disposal profiling will be conducted. Profiles will be sent to the appropriate waste treatment, storage and disposal facilities. Once all bids are received, the waste will be disposed of off-site by the most cost effective means. All hazardous substances, pollutants or contaminants removed off-site pursuant to this action for treatment, storage, or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, pursuant to CERCLA Section 121(d)(3), 42 U.S.C. § 9621(d)(3), and the following rule: "Amendment to the National Oil and Hazardous Substances Pollution Contingency Plan; Procedures for Planning and Implementing Off-site Response Action: Final Rule." 58 FR 49200 (September 22, 1993), and codified at 40 CFR § 300.440.

All waste to be sent off-site for disposal will be packaged and labeled in accordance with RCRA requirements found at 40 CFR §§ 262.30-32 and will be properly manifested in accordance with the requirements set out at 40 CFR §§ 262.20-23. All transportation will be in accordance with Department of Transportation (DOT) rules and regulations. See generally 40 CFR § 263.

"Other requirements under the Occupational Safety and Health Act (OSHA) of 1970, 29 U.S.C. §651 et seq., and under the laws of a State approved under Section 18 of the Federal OSHA laws, as well as other applicable safety and health requirements, will be followed. Federal OSHA requirements include, among other things, Hazardous Materials Operation, 29 CFR Part 1910, as amended by 54 Fed. Reg. 9317 (March, 1989), all OSHA General Industry (29 CFR Part 1910) and Construction (29 CFR Part 1926) standards wherever they are relevant, as well as OSHA record keeping and reporting regulations, and the EPA regulations set forth in 40 CFR Part 300, relating to the conduct of work at Superfund sites.

2. Contribution to remedial performance

The proposed action is expected to complete all necessary actions at the Site. This action will control the source of the pollution and will be consistent with any conceivable remedial action.

3. Description of alternative technologies

Incineration of the liquid waste appears to be the most viable, least costly option for disposal, however deep well injection will also be considered if the facility can and is willing to take the F032 & F034 waste. No other appropriate alternative technologies could cost effectively be applied. The

contaminated soil will be disposed of by incineration due to the high concentration of F032 and F034 waste. A soil washing alternative will be considered, but it is expected to be ruled out due to the cost.

4. Applicable or relevant and appropriate requirements (ARARS)

This removal action will be conducted to eliminate the actual or potential release of a hazardous substance, pollutant, or contaminant to the environment, pursuant to CERCLA, 42 U.S.C. § 9601 et. seq., and in a manner consistent with the National Contingency Plan, 40 C.F.R. Part 300, as required at 33 U.S.C. § 1321(c)(2) and 42 U.S.C. § 9605. As per 40 C.F.R. Part 300.415(I), fund-financed removal actions under CERCLA Section 104, 42 U.S.C. § 9604, and removal actions pursuant to CERCLA Section 106, 42 U.S.C. § 9606, shall, to the extent practicable considering the exigencies of the situation, attain the applicable or relevant and appropriate requirements under Federal environmental law.

Consolidation and off-site disposal are the principal elements of this removal action, therefore RCRA waste analysis requirements found at 40 CFR §§ 261.20 and 261.30, RCRA manifesting requirements found at 40 CFR § 262.20 and RCRA packaging and labeling requirements found at 40 CFR § 262.30 are deemed to be appropriate requirements for this removal action. Because on-site storage of repackaged hazardous wastes or excavated contaminated soil and debris is not expected to exceed ninety days, specific storage requirements found at 40 CFR Part 265 are neither applicable, relevant nor appropriate. See 40 CFR § 262.34.

5. Project schedule

It is estimated that it will require four months to abate the asbestos, pump the tanks and sumps, remove the contaminated soil, sample, analyze, profile and dispose of all hazardous substances. The collapsed facility superstructure will have to be dismantled and the asbestos will have to be removed in order to gain access to some of the sumps and tanks and complete the removal action. (Attachment 4).

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B. Estimated Costs

Extramural Costs

ERCS	$ 772,169
TAT	$ 135,120
Subtotal, Extramural Costs	$ 907,289
Extramural Costs Contingency (20%)	$ 181,458
TOTAL, EXTRAMURAL COSTS	$ 1,088,747

Intramural Costs

EPA Direct Costs	$ 43,560
EPA Indirect Costs	$ 79,200
TOTAL, INTRAMURAL COSTS	$ 122,760
TOTAL, REMOVAL PROJECT CEILING	**$ 1,211,507**

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

If action is not taken at the Site, a catastrophic release from the tanks or sumps could occur.

VII. OUTSTANDING POLICY ISSUES

Normally actions involving asbestos would be considered Nationally Significant. The exception to this determination is when the asbestos is incidental to the removal as it is in this case. In order to conduct the removal of the pentachlorophenol and creosote compounds an asbestos abatement will have to be completed.

VII. ENFORCEMENT

See Attachment 5.

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IX. RECOMMENDATION

This decision document represents the selected removal action for the Jasper Creosoting Site, Jasper, Jasper County, Texas, developed in accordance with CERCLA, 42 U.S.C.§ 9601 et seq., and not inconsistent with the NCP, 40 CFR Part 300. This decision is based on the administrative record for the Site.

Conditions at the Site meet the criteria as defined by Section 300.415(b)(2) of the NCP, 40 CFR § 300.415(b)(2), for a removal, and I recommend your approval of the proposed removal action. The total project ceiling, if approved, will be $1,211,507, of this an estimated $772,169 comes from the Regional removal allowance.

APPROVED Myron O Knudson DATE: 2/28/96

DISAPPROVED _____ DATE: _____

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ATTACHMENT 1

TEXAS WATER COMMISSION
INTEROFFICE MEMORANDUM

TO : Stennie Meadours, Manager
Emergency Response Section
Pollution Cleanup Division

DATE: 6/3/93

THRU : Anne C. Dobbs, Manager
Enforcement Section, I&HW Division

FROM : J. Mac Vilas, Enforcement Coordinator
Enforcement Section, I&HW Division

SUBJECT: Jasper Creosoting Company
TWC Registration No.31489
EPA ID No. TXD00809620
Facility Referral to Pollution Cleanup Division for Federal or State Superfund action

This interoffice memorandum (IOM) is written to request that Jasper Creosoting be referred for appropriate superfund action and cleanup since all RCRA enforcement alternatives have been exhausted. The following information is offered to support the referral request.

Jasper Creosoting is located on North McQueen St., in Jasper County, Jasper, Texas. Jasper Creosoting was in the business of treating wood products such as fence posts, ties, and pilings with creosote or pentachlorophenol since 1946. Sludge waste generated from these processes is a listed hazardous waste (K001). Please refer to attached District 6 CEI IOM of December 13, 1991 for additional information (Attachment 1). In May, 1986, the facility's wastewater connection to the City of Jasper was disconnected.

Waste management units at this facility include a former surface impoundment/landfill, a drip pad area and 22 other possible waste management units including settling and treatment tanks, treatment cylinders, sumps, wastewater holding tanks, filter boxes, cooling towers, storage containers, and an incinerator. In addition, areas of concern noted by an EPA inspection include the East Side Ditch, Railroad Offloading area, PCP makeup area and the Storage Yard. Monitor wells at the site have been noted to contain free phase creosote products and a 1990 TWC Comprehensive Monitoring Evaluation (CME) inspection confirmed ground water contamination at the site.

On January 22, 1993 an Agreed Final Judgement was issued to Jasper Creosoting in the District Court of Jasper County (Judge Monte Lawlis). Refer to Attachment 2. The Office of the Attorney General (Nancy Olinger and David Preister) represented the Texas Water Commission. David Preister of the Attorney General's office has agreed in telephone conversations with the writer that all RCRA

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enforcement alternatives have been exhausted. Mr. Preister has indicated that he is willing to request in writing to the TWC that this case be referred for Superfund action. In addition the Agreed Final Judgement is written to allow for a CERCLA action.

Provision III of the Agreed Final Judgement provides for access to the TWC and the EPA for activities conducted under the State and Federal Superfund Program. Provision IV of the Agreed Final Judgement requires that the company immediately begin to liquidate all plant inventory and equipment. Provision V requires that the company provide the TWC with an accounting and verification of receipts from the sale and a notice of deposit of the sales into the registry of the District Court. This provision also states that these funds are to be paid to the State of Texas for the State's cost for cleanup action pursuant to CERCLA. In addition, this site was ranked in October 1985 by the Superfund Section with a Hazardous Ranking System score greater than 28.5 qualifying it for a Superfund action. Refer to attached IOM dated October 18, 1985 from Superfund (Charles Faulds) to Enforcement (Merton Coloton) (Attachment 3).

This facility has a long history in the TWC and Attorney General's RCRA enforcement process beginning in April 1983 when the Texas Department of Water Resources (TDWR) referred this facility to the Attorney General's office. The TDWR and TWC performed inspections at the site in March 1982, April 1983, July 1985, November 1985, October 1986, November 1988, February 1990 (CME), and November 1991.

Prior to the January 1993 Agreed Final Judgement, the site was operating under an Agreed Order Granting a Temporary Injunction issued on August 19, 1988 by the District Court of Jasper County (Attachment 4). The facility was determined to be non compliant with the August 1988 Agreed Order. A TWC Notice of Deficiency (NOD) letter was issued requiring the submittal of a revised Ground Water Quality Assessment Plan (GWQAP). A GWQAP was required by the Agreed Order. A TWC Notice of Violation (NOV) letter was issued on March 8, 1991 regarding violations observed during the February 1990 CME inspection. There is no record of a response to the March 8, 1991 NOV letter in the Central Records file.

The site is inactive and all RCRA enforcement actions through the TWC and the Attorney General's office appear to have been exhausted. Since this site also poses a threat to human health and the environment, it is requested that the Emergency Response and Assessment Section of the Pollution Cleanup Division evaluate this

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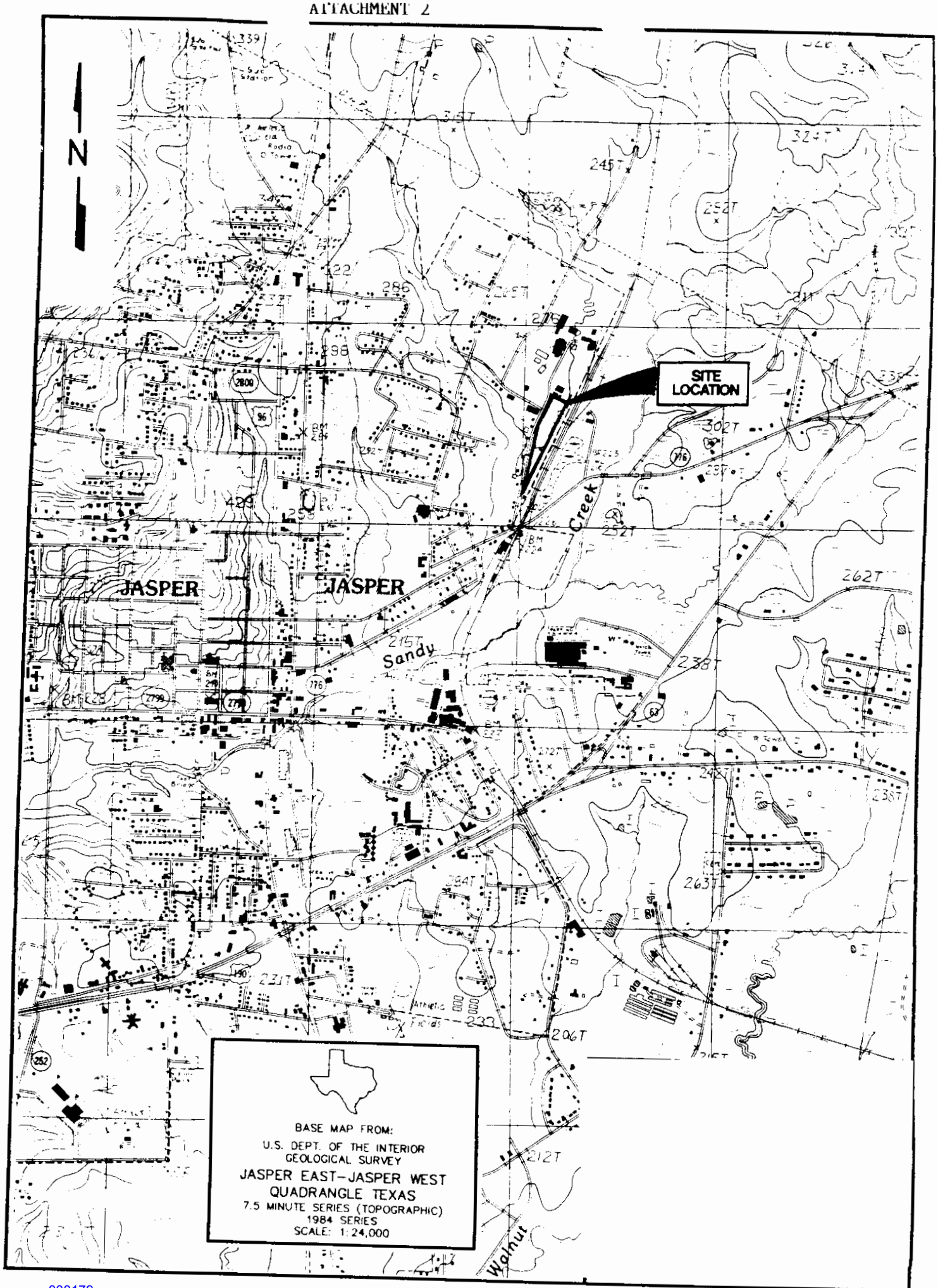
site for inclusion on the National Priority Listing or the State Superfund listing.

J. Mac Vilas
Enforcement Coordinator

cc: Scott Jackson, TWC District 6 Office - Beaumont
Lydia Gonzalez-Gromatzky, Legal Division
Janice Earley, I&HW Enforcement Section
David Preister, Environmental Protection Division, Office of the Attorney General
Leigh Ing, I&HW Enforcement Section

ATTACHMENT 2



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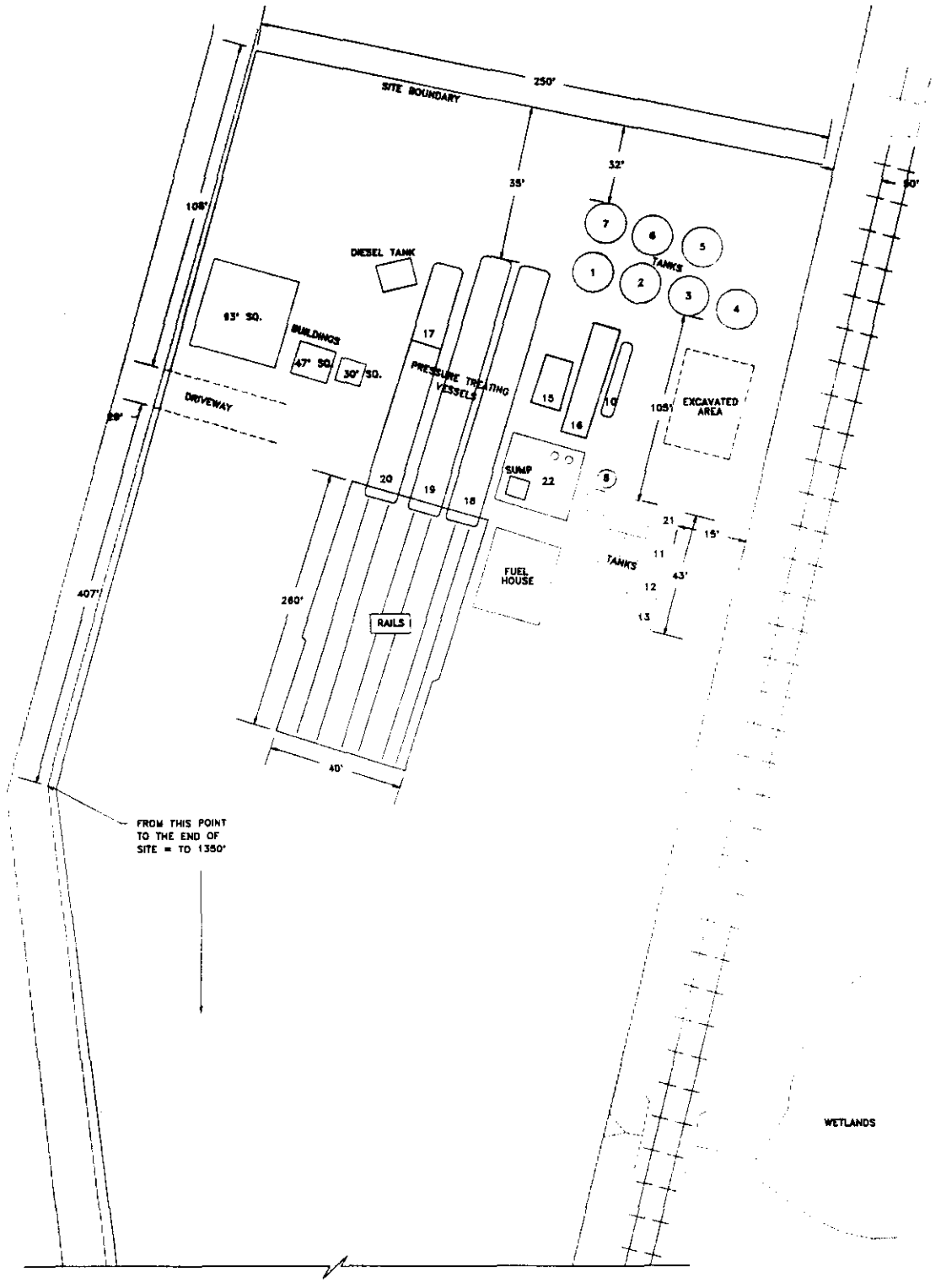

LEGEND

RAILROAD

PONDS

NOT TO SCALE

ecology and environment, inc.
Dallas, Texas
International Specialists in the Environment

SITE SKETCH
JASPER CREOSOTING COMPANY
JASPER, JASPER CO., TX.

TDD# T06-9508-002	Date: AUGUST 18, 1995
PAN# ETX0613SAA	P.M.: JEFF D'AGOSTINO

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ATTACHMENT 4

Cost Summary

Projection Name: Jasper Creosoting
Projection Type: Initial
Date: 02/14/96
Prime Contractor: RES

		Projection	Archive	Total
CONTRACTOR				
	Personnel Cost	443077	0	443077
	Equipment Cost	108304	0	108304
	Other Direct Cost	220788	0	220788
	Total for Contractor	772169	0	772169
	Contractor Contingency:20.00%			154434
	Including Contractor Contingency			926603
	Site Contingency:0.00%			0
	Including Site Contingency			926603
GOVERNMENT				
	Personnel Cost	264000	0	264000
	Equipment Cost	4080	0	4080
	Other Direct Cost	18400	0	18400
	Total for Goverment	286480	0	286480
	Site Contingency: 0.00%			0
	Including Site Contingency			286480
PROJECT TOTAL				1213083

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