



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

ACTION MEMORANDUM

SUBJECT: Request for an Emergency Removal Action at the Mercury – OEA Building Storage Area, Pursuant to the On-Scene Coordinator’s delegated authority under CERCLA Section 104.

FROM: Joe Davis, On-Scene Coordinator
Response, Removal and Emergency Preparedness Section

THRU: Heath Smith, Section Supervisor
Response, Removal and Emergency Preparedness Section

TO: Adam Ruiz, Branch Manager
Assessment, Emergency Response and Removal Branch

I. PURPOSE

The purpose of this Action Memorandum is to document the decision to initiate an emergency response action described herein for the Mercury – OEA Building Storage Area site (site) located in Omaha, Douglas County, Nebraska pursuant to the On-Scene Coordinator’s delegated authority under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104. The primary objective of this removal action is to mitigate any potential threats to human health and the environment by the removal of elemental mercury, a listed hazardous substance.

II. SITE INFORMATION

A. Site Description

Site Name: Mercury - OEA Building Storage Area
Superfund Site ID (SSID): B7P7
NRC Case Number: 1374584
CERCLA Number: NEN000741006
Site Location: Omaha, Nebraska
Lat./Long.: 41.258889, 95.977222
NPL Status: Non-NPL
Removal Category: Emergency
Nationally Significant: No



B. Site Background

1. Removal Site Evaluation

On July 29, 2023, the U.S. Environmental Protection Agency received a report from the National Response Center (case #1374584) that a release of mercury had occurred in a storage locker of a residential building in Omaha, Nebraska. The mercury spill occurred in a common area in the basement of the Omaha Education Association Cooperative, a multi-unit residential building. The area where the spill occurred is a common area and contains tenant storage lockers and a laundry including a washer and dryer. A group of individuals were cleaning out the contents of one of the lockers of a recently deceased tenant when the contents of a box was dropped to the floor, including a container of elemental mercury. The amount of mercury spilled is unknown, however, visual observations indicated a significant amount for the basement storage area. An OSC and two START were mobilized to the site and confirmed the presence of elemental mercury. A Lumex mercury vapor analyzer (MVA) detected mercury vapors as high as 20,000 ng/m³ in the storage room. Additional screening conducted on July 30, 2023, identified the presence of mercury at one additional off-site residence and a vehicle.

2. Physical location and Site characteristics

Locations known to be impacted by this mercury release include the residential building at 122 S. 39th Street, Omaha, Nebraska, 68131, one residential home located at 16790 Read Road, Honey Creek, Iowa, 51542, and one vehicle.

An EJ Screen will be conducted for the site and results incorporated, as appropriate, into the action.

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

Mercury has been released at the site as identified by visual observation and real-time air monitoring. Mercury vapors have been detected in the basement storage area where the spill occurred at levels greater than removal management levels. Elemental mercury is a hazardous substance as defined in CERCLA Section 101(14), 42 U.S.C. § 9601(14), and as designated in 40 CFR § 302.4. Mercury vapors have been detected in breathing zones at multiple locations at levels up to 20,000 ng/ m³, exceeding the residential removal action goal for indoor air of 1,000 ng/ m³ due to elemental mercury released by this spill. If not immediately addressed, mercury will continue to be spread into additional residential areas and to the environment.

III. THREATS TO PUBLIC HEALTH, WELFARE OR THE ENVIRONMENT

A. Nature of Actual or Threatened Release of Hazardous Substances or Pollutants or Contaminants

Elemental mercury and mercury vapors are present in the building at levels exceeding the residential removal action goal for indoor air of 1,000 ng/ m³. Mercury has been tracked from the location of the spill to an off-site residence and a vehicle and has the potential for further spread if not immediately removed.

B. Check Applicable Factors (from 40 CFR 300.415) Which Were Considered in Determining the Appropriateness of a Removal Action:

- Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)].
- Actual or potential contamination of drinking water supplies or sensitive ecosystems [300.415(b)(2)(ii)].
- Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that pose a threat of release [300.415(b)(2)(iii)].
- 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)].
- Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].
- Threat of fire or explosion [300.415(b)(2)(vi)].
- The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].
- Other situations or factors that may pose threats to the public health or welfare of the United States or the environment [300.415(b)(2)(viii)].

IV. SELECTED REMOVAL ACTION AND ESTIMATED COSTS

A. Situation and Removal Activities to Date

1. Current situation

Elemental mercury and mercury vapor exceeding residential removal action goals for indoor air have been identified in a common area of a residential building, an additional residential property and a vehicle. Elevated mercury levels have been identified in one vehicle used to transport one of the initial individuals that was present when the spill occurred.

2. Removal activities to date:

On July 29, 2023, one EPA On-Scene Coordinator (OSC) mobilized to the scene of the initial spill at 122 S. 39th Street, Omaha, Nebraska. The EPA screened for mercury in the building and verified a release had occurred. On July 30, the EPA screened other possible locations of tracked contamination and found mercury at

one other residence and a vehicle. Contractors have been mobilized to begin cleanup at both locations. Removal of elemental mercury began at the original location, and ventilation was conducted at the second residential location and vehicle.

3. Enforcement

The EPA has initiated a fund lead emergency removal action due to the elevated risk of exposure and the spread of contamination. The EPA interviewed the current locker owner and has been in contact with the building manager. No viable party could be identified to conduct the clean-up. The EPA reserves the right to cost recover.

B. Planned Removal Actions

1. Proposed action description

The proposed action will consist of removing and disposal of elemental mercury and impacted media as necessary. In addition, actions could include heating and venting, sealing, and relocating or removing furniture, baseboards, carpeting and/or flooring as required to access and collect elemental mercury. Additional mercury vapor screening will be conducted if any additional properties are identified.

2. Contribution to remedial performance

No additional resulting long-term remedial action at the site is anticipated.

3. Applicable or relevant and appropriate requirements (ARARs)

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. Any identified potential ARARs will be evaluated and complied with to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC will consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted. Specific ARARs for this site are listed below:

- The CERCLA Off-Site Rule – promulgated pursuant to CERCLA section 121(d)(3), 42 U.S.C. § 9621(d)(3), and formally entitled “Amendment to the National Oil and Hazardous Substances Pollution Contingency Plan; Procedures for Planning and Implementing Off-Site Response Action: Final Rule,” 58 Fed. Reg. 49200 (Sept. 22, 1993), codified at 40 CFR § 300.440. This rule is applicable for all off-site shipments of waste.
- 40 CFR 268, RCRA Land Disposal Restrictions.
- 40 CFR 261, RCRA Hazardous Wastes.
- 40 CFR 262; Standards Applicable to Generators of Hazardous Waste.
- 40 CFR 263; Standards Applicable to Transporters of Hazardous Waste.

- 49 USC § 5101 et seq.; Federal Hazardous Materials Transportation Law and/or 49 CFR parts 107, 171-177.

4. Project schedule

The response has already been initiated and will be complete upon reduction of mercury vapor levels in residential areas to below removal action goals.

C. Estimated Costs*

Contractor Costs (ERRS/START staff, travel, equipment)	\$85,000
Other Extramural Costs (Strike Team, other Federal Agencies)	\$0
Contingency Costs (20% of subtotal)	\$17,000
Total Removal Project Ceiling	\$102,000

* The EPA direct and indirect costs, although cost recoverable, do not count toward the removal ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 or CERCLA.

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

A delay in action or no action at this site would increase the actual or potential threats to the public health and/or the environment.

VI. OUTSTANDING POLICY ISSUES

None.

VII. APPROVALS

This decision document represents the selected removal action for this site, developed in accordance with CERCLA as amended, and not inconsistent with the National Contingency Plan (NCP). This decision is based on the administrative record for the site.

Conditions at the site meet the NCP section 300.415(b) criteria for a removal action and through this document, I am approving the proposed removal actions. The total project ceiling is \$102,000. This amount will be funded from the regional removal allowance.

For Joe Davis, On-Scene Coordinator
 Assessment, Emergency Response and Removal Branch

**VIII. ENDANGERMENT DETERMINATION UNDER CERCLA SECTION 106:
HAZARDOUS SUBSTANCES**

Pursuant to Section 106 of CERCLA, I have determined that there may be imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from the site.

Adam Ruiz, Branch Manager
Assessment, Emergency Response and Removal Branch