

POLREP #1 AND SPECIAL BULLETIN  
NOTICE OF \$250K ACTIVATION

Appalachia Rising at  
1200 Pennsylvania Ave  
Washington DC 20460

Site ID: A3VX

Date: May 8, 2013  
To: Regional Response Center  
From: Charles Fitzsimmons, On-Scene Coordinator  
Eastern Response Branch (3HS31)  
Subject: Notification of \$250,000 Time-Critical Removal Action Activation

## I. Purpose

The purpose of this Special Bulletin is to document the Emergency Response Removal Action activation described herein for the Appalachia Rising Site (Site) located at 1200 Pennsylvania Avenue in Washington DC. This response was initiated under the On Scene Coordinator's (OSC's) \$250,000 authority and will address the mitigation of threats which contain substances on the List of Hazardous Substances and Reportable Quantities in Section 302.4 of the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR Part 300.

## II. Background and Site Conditions

On May 7, 2013 the EPA Federal ON-Scene Coordinator (FOSC) received separate requests from the District of Columbia Fire Department (FEMS) and the Federal Protective Services (FPS) for assistance regarding an anticipated march and demonstration by an activist group for clean drinking water called Appalachia Rising. According to background information on this anticipated demonstration, Appalachia Rising planned to march and demonstrate in front of EPA Headquarters (HQ) on March 8, 2013 and deliver to EPA over 100 gallons of toxic water. FEMS and the FPS asked for FOSC assistance with the characterization and disposal of these estimated 100 containers that would be remaining on the city sidewalk at completion of the demonstration.

The Site is the courtyard outside EPA HQ at 1200 Pennsylvania Ave, Washington DC.

During the morning hours of May 8, 2013 approximately seventy five demonstrators abandoned 64 - one gallon and 3 - five gallon containers of liquid material at the Site. The demonstrators described the liquid as typical water from the streams, lakes, ponds and creeks within Appalachia (Kentucky, West Virginia). The demonstrators described the water as toxic. One demonstrator suffered from what appeared to be corrosive burns to her skin as a result of handling the water itself. Some of the containers appeared to contain clear liquid as well as brown or orange and dark grey liquids.

During the early afternoon hours on May 8, 2013, after the demonstration was completed, the FOSC and an ERRS contractor collected the containers, overpacked them in durable boxes and transported them off site to a location where they could be assessed and sampled.

During the late afternoon hours on May 8, 2013, EPA's START contractor performed field hazardous categorization of the containers at this off site location. Field results showed some hazardous characteristics such as corrosivity in a number of the containers. All containers exhibited gross organic vapor levels greater than background. Six containers exhibited elevated field pH levels, potentially indicating the corrosive characteristic.

Aliquots were collected from each container and a total of seven samples were generated for shipment to an analytical laboratory located in Pittsburgh, Pa. Upon data returned from the lab, more exact profiles can be generated and proper disposal of all the containers will then occur.

### III. Threats to Public Health or Welfare or the Environment

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a Removal Action. Paragraphs (b)(2)(i), (iv), and (vii) of Section 300.415 directly apply as follows to the conditions as they exist at the Site.

300.415 (b)(2)(i)      Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants

Over 80 gallons of corrosive and volatile liquids in one and five gallon plastic type containers were abandoned in a busy city environment. The Site is in a large urban area where thousands of people visit and work. The Site is located in very close proximity to the White House, restaurants, hotels, theaters and other public and government facilities. The containers are one gallon plastic milk type jugs with flip off lids. The abandonment of these less than sturdy containers of potentially corrosive and volatile liquids, represents potential exposure to nearby human populations.

300.415 (b)(2)(vii)      The availability of other appropriate Federal or State response mechanisms to respond to the release

DC FEMS and the FPS both requested EPA FOOSC assistance. The FPS' responsibility is security of federal property and cannot respond to a hazardous substance release or perform disposal of hazardous substances and hazardous waste. DC FEMS has the responsibility to respond to hazardous materials incidents but cannot perform disposal services and relies on responsible parties to perform off site disposal. The abandonment of 67 containers of potentially corrosive and volatile liquids, by an activist group on EPA federal property is therefore justification for EPA to perform this response.

### IV. Endangerment determination

The OSC has determined that the Site meets the criteria of Section 300.415 of the      AR200002

NCP for initiating a Removal Action, as well as Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, 42 USC Section 9604, and that a removal action is appropriate at the Site.

#### V. Actions and Cost Estimate

On May 8, 2013 the OSC under Delegation of Authority 14-2 of CERCLA initiated a removal action with a project ceiling of \$250,000 to begin response actions to mitigate the threat posed by the abandonment and potential release of corrosive and volatile liquids to the environment and city streets. The actions proposed herein are intended to mitigate threats to human health, welfare, or to the environment evident at this time. The proposed actions are as follows:

#### Actions:

- Perform field hazard categorization to determine immediate hazards of all the containers and to assist with waste stream identification; overpack and stage all containers;
- Sample and ship to off site laboratory for analytical for determination of proper disposal options;
- Package and ship all containers for off-site disposal to a permitted and proper treatment or disposal facility;

#### Estimated Costs:

START	\$ 50,000
ERRS	\$ 50,000
Other	\$150000
Total	\$250000

(CF)

---

Charles Fitzsimmons  
Federal On-Scene Coordinator  
EPA Region III  
Fort Meade,  
MD