



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

MEMORANDUM

DATE: AUG 22 2008

SUBJECT: Documentation of OSC Initiation of Removal Action at the Hakimo Road Site, Waianae, Honolulu County, Hawaii

FROM: Janet Yocum, On-Scene Coordinator
Emergency Response Section (SFD-9-2)

TO: Daniel Meer, Chief *DM*
Response, Planning & Assessment Branch (SFD-9)

THROUGH: Steve Calanog, Chief
Emergency Response Section (SFD-9-2)

I. PURPOSE

This memorandum documents the May 13, 2008 initiation by the United States Environmental Protection Agency ("EPA") of a removal action at the Hakimo Road Site, (the "Site"), located at 87-1161 Hakimo Road, Waianae, Honolulu County, Hawaii. An EPA On-Scene Coordinator ("OSC"), Janet Yocum, conducted the initial response under her authority pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") as amended, to mitigate threats posed at the Site. Conditions existed and continue at the Site that, if not addressed by implementing the response action documented in this memorandum, may have lead to the off-Site release and migration of paints, oils, greases and heavy metals that were a substantial threat to the public health or welfare or the environment. The OSC removed threats posed by the paints, oils and greases and the State of Hawaii is conducting a removal to address contamination by heavy metals that poses a current, on-going threat to public health and the environment.

II. SITE CONDITIONS AND BACKGROUND

Site Status: Non-NPL
Category of Removal: Emergency
CERCLIS ID: HIN000908602
SITE ID: 09RJ

A. Site Description

1. **Removal Site Evaluation**

On May 13, 2008, EPA's Criminal Investigative Division ("CID") served a criminal warrant at the property and requested assistance from EPA's Emergency Response Section to assess and manage hazardous wastes found on site. The request for assistance to the Emergency Response Section specifically included: 1) supporting entry teams, 2) conducting exploratory excavation and 3) overall Site assessment for hazardous materials.

On entry, EPA divided the Site into areas of concern ("AOCs") based on suspected or observed activities to screen for hazardous materials. The AOCs were identified as: 1) Residential Areas; 2) Trench Excavation Areas; 3) Fill/Mud/Sand Blast Area; 4) Auto Area; 5) Food Scrap Area; 6) Farm and 7) Green Conex Box (see Appendix 1 for "Figure 2, Sample Location Map, Botelho").

AOC 1—Residential Areas

Once the initial warrant entry team secured the residents on the property, EPA OSC, START contractor and United States Coast Guard's special force, Pacific Strike Team, entered the Site. Residential areas were screened for hazardous conditions before evidence collection teams entered. No hazardous materials were identified within the residences.

AOC 2—Trench Excavation Areas

Information provided to the team indicated that there were at least five areas on the Site where hazardous waste had been buried. Locations were identified by CID for the EPA OSC and contractors. Exploratory excavation occurred in these areas to explore the subsurface condition and to recover buried hazardous wastes, if any. Mechanized equipment on scene was limited in its reach to a depth of no greater than an estimated 17.0 feet below ground surface ("ft bgs"). Food slop, tires, batteries and general solid waste debris were observed at various depths within various trenches at the Site. Two 5-gallon pails were uncovered that contained residual petroleum waste, including what appeared to be roofing tar. Exploratory trenches were backfilled with existing materials.

AOC 3—Fill/Mud/Sand Blast Area

This area of operations bordered the stream. One sample collected by National Enforcement Investigations Center of the sand blast grit failed toxicity characteristic leaching procedures ("TCLP") characterization for lead.

AOC 4—Auto Area

While vehicles were abandoned in many areas on the Site, this area appeared to be a primary storage area of non-operating vehicles. Five-gallon pails of oil and oil related materials were found abandoned within this area and were collected and consolidated for disposal.

AOC 5—Food Scrap Area

Prior to the entry, the food scrap area appeared on aerial photos as a trailer with various drums and other containers on it. No hazardous materials were identified in this area.

AOC 6—Farm

A resident previously informed CID that waste containers were buried under the farm. Based on this information, EPA used ground penetrating radar (“GPR”) to screen the subsurface (up to 3.0 ft bgs) soils for metal anomalies that could be buried metal waste containers. One anomaly was detected within the range of GPR and was later determined to be waste scrap metal and was removed. Soil samples were collected from 0 to 1.0 ft. bgs to determine whether any metals contamination was in the soil. No hazardous constituents were detected in the soil.

AOC 7—Green Conex

Located between the stream and AOC 4—Vehicle Area, the green conex was used for the storage of batteries. There were a number of palletized batteries observed in this area. At the east corner of the conex, there were batteries that had their cases opened with lead sheets exposed. The ground in the area was observed to be discolored. Soils were screened using x-ray fluorescence technology instruments. Screening samples reported concentrations of lead in the soil at up to 46,400 milligram per kilogram (“mg/kg”) exceeding the residential soil preliminary remediation goal (“PRG”) concentration of 400 mg/kg, presenting an imminent and substantial endangerment to human health and the environment.

Samples were collected and submitted for off-Site analyses to confirm the reported high screening values. Both total metals and TCLP sample results reported exceedences of residential PRG for copper, iron, manganese, vanadium, zinc and lead. See Appendix 1 for data results.

2. Physical Location

The Site is located in a residential neighborhood at 87-1161 Hakimo Road, Waianae, Honolulu County, Hawaii. The Site is approximately ten acres in size and is zoned for agricultural use. Ulehawa Stream bisects the property and drains to the Pacific Ocean. The stream was not running.

3. Site Characteristics

While the Site is zoned for agricultural use, it is situated within a residential neighborhood. The Site is fenced on all sides.

The Site is currently leased to an individual that operates or allows the operation of various businesses, including a battery recycling operation, a scrap metal/vehicle recycling business, a sand blasting operation and a food slop operation, where food waste is collected from commercial clients then sold to piggeries for animal feed. There were various areas where containers of paint, oil and grease wastes were stored, unsecured. Used lead batteries were

collected and staged near a shipping container in the middle of the Site. Battery cases were observed open and lead sheets removed, with discolored soil in and around the area. The Site is alleged to be an illegal solid waste dump site.

4. Release or Threatened Release Into the Environment of a Hazardous Substance, or Pollutant or Contaminant

EPA observed numerous containers of waste oil, paints, solvents and greases abandoned throughout the Site. Contents of some of these containers were hazard characterized on Site. Waste oil, paints, solvents and greases are characteristically hazardous, some possessing the characteristic of flammability. These containers were uncontrolled and presented a threat of release.

Numerous lead acid batteries and associated wastes were stored on Site. Lead acid batteries contain sulfuric acid, a hazardous substance and possess the characteristic of corrosivity. Lead taken from the battery cores was observed to be exposed. The soil around the green conex associated with the battery operations was screened and determined to contain very high levels of lead contamination; demonstrating an actual release into the environment.

There were numerous open burn pits on the Site. At the burn pit near the stream, total chromium was screened and the concentration in the surface soil was reported to be 4,500 mg/kg, exceeding the residential PRG of 210 mg/kg. The same area screened arsenic at this location at 1,670 mg/kg, exceeding the residential PRG of 0.16 mg/kg. These are indicators of an actual release to the environment.

Screening data (see Appendix 1) and analytical data collected at this Site indicate a continual threat of or actual release of hazardous substances, pollutants or contaminants exists and OSC Yocum has concluded that this situation constitutes an imminent and substantial threat to human health and the environment.

5. NPL Status

This Site is not on the NPL.

B. Other Actions to Date

None.

C. State and Local Authorities' Roles

1. State and Local Actions to Date

Representatives from State of Hawaii Department of Health's Solid and Hazardous

Waste, Clean Water and HEER branches were integrated into the response, collecting information for their respective actions and producing an inventory of abandoned containers on Site.

EPA performed initial screening and sampling at the Site in various areas. At the area that contained a green shipping container, palleted batteries and opened batteries, EPA screened the surface soils and provided information to the state on the presence of very high metals concentrations at various locations. Specific discussions on lead contaminated soils around the green conex were had with various state representatives as there are very young children and a pregnant woman residing on the site. The State of Hawaii indicated it would undertake the removal action under its authorities and declined further assistance from EPA.

2. Potential for Continued State/Local Response

DOH continues to work with the property owner in further assessing this Site.

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

Conditions at the Site presents a release, and potential threat of release, of a CERCLA hazardous substance threatening to public health, or welfare, or the environment based on the factors set forth in the NCP, 40 CFR § 300.415(b)(2). These factors include:

1. Actual or Potential Exposure to Hazardous Substances or Pollutants or Contaminants by Nearby Populations or the Food Chain

This factor is present at the Site because the stream on Site, while dry during this response, runs and drains to the Pacific Ocean and heavy metals have been or are being released into the soil from recycling process activities at the Site. Containers marked flammable or corrosive were also left uncontrolled around the property, presenting a risk to nearby populations or the food chain if discharged into the stream.

Arsenic is a known human carcinogen and lead is a probable human carcinogen. Inhalation of arsenic-contaminated surface soils (total arsenic concentrations at the Site range from 2.5 to 160 ppm) is linked to increased risk of lung and multiple-organ cancers. The ingestion of lead-contaminated surface soils (lead concentrations at the Site range from 8.3 to 421 ppm) by children could lead to changes in neurobehavioral development. Exposure to metals-contaminated surface soil is harmful to current and nearby residents, workers on the Site associated with the various business enterprises, occupants of vehicles on the nearby roads and highways, and responding emergency response personnel.

2. Hazardous Substances or Pollutants or Contaminants in Drums, Barrels, Tanks, or Other Bulk Storage Containers, that may Pose a Threat of Release

None.

3. Weather Conditions that May Cause Hazardous Substances or Pollutants or Contaminants to Migrate or be Released

This factor is present at the Site because Waianae, Hawaii, is subject to variable winds that may cause the migration of hazardous surface soils that may affect residents in the area and employees of nearby businesses.

Waianae, Hawaii, also experiences an average annual rainfall of twenty-four inches. Surface runoff at the Site drains to Ulehawa stream, which drains to the Pacific Ocean. Metals-contaminated surface soils could migrate via this surface flow into the Pacific Ocean and bio-accumulate in animal life, impacting residents that consume fish from these near-shore waters.

4. Threat of Fire or Explosion

This factor was demonstrated at the Site as various containers labeled "flammable," including paints and paint related materials were left on site uncontrolled. There also were numerous compressed gas cylinders in poor or unknown physical conditions and of unidentified content.

5. Availability of Other Appropriate Federal or State Response Mechanisms to Respond to the Release

The State of Hawaii DOH informed EPA that it would pursue further Site cleanup by the property owner.

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, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Response Actions

The response action addressed threats to human health resulting from a release of oil to the environment and access to the uncontrolled, abandoned containers that contained hazardous substances. Heavy metal contaminated surface soils are to be addressed by the State of Hawaii.

1. Response Action Description

The major response actions involved in response to this Site included:

a. Containerized and sent for disposal abandoned containers of paint and paint related materials on site.

2. Contribution to Remedial Performance

The Long-Term Cleanup Plan for the Site:

EPA has no long-term response plans for this Site.

Threats that will Require Attention Prior to the Start of a Long-Term Cleanup:

Surface soils contaminated with heavy metals pose an imminent threat to the health of the residents and workers on the Site. The State of Hawaii has indicated that it will address the immediate threats documented by the response action.

The Extent to Which the Removal Will Go to Ensure that Threats are Adequately Abated:

The response action abated the hazard posed by flammable and corrosive materials left uncontrolled at the Site; however, heavy metal residual contamination remains at the Site to be addressed by the State of Hawaii.

Consistency with the Long-Term Remedy:

Not applicable at this time.

3. Description of Alternative Technologies

This response action did not consider alternative technologies.

4. Applicable or Relevant and Appropriate Requirements (ARARs)

Section 300.415(j) of the NCP provides that removal actions must attain ARARs to the extent practicable, considering the exigencies of the situation.

Section 300.5 of the NCP defines applicable requirements as cleanup standards, standards of control, and other substantive environmental protection requirements, criteria or limitations promulgated under federal environmental or state environmental or facility siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location or other circumstances at a CERCLA site.

Section 300.5 of the NCP defines relevant and appropriate requirements as cleanup standards, standards of control and other substantive requirements, criteria, or limitations promulgated under federal environmental or state environmental or facility siting laws that, while not applicable to a hazardous substance, pollutant, or contaminant, remedial action, location, or other circumstances at a CERCLA site, address problems or situations sufficiently similar to those encountered at the CERCLA site and are well-suited to the particular site.

Because CERCLA on-site response actions do not require permitting, only substantive requirements are considered as possible ARARs. Administrative requirements such as approval of, or consultation with administrative bodies, issuance of permits, documentation, reporting, record keeping, and enforcement are not ARARs for the CERCLA sections confined to the site.

Only those state standards that are identified by a state in a timely manner and are more stringent than federal requirements may be applicable or relevant and appropriate.

The following ARARs were identified and attained for the response action.

Federal ARARs: Federal ARARs are the RCRA Land Disposal Restrictions, 40 CFR 268.40

Subpart D implemented through Title 22 Section 66268.40; the CERCLA Off-Site Disposal Rule OSWER Directive 9347.3-8FS; The Toxic Substances Control Act 15 U.S.C. §2601 et seq. (1976) and the U.S. Department of Transportation of Hazardous Materials Regulations 49 CFR Part 171, 172 and 173.

State ARARs: None were identified at the time of the response action.

6. Project Schedule

The response activities were completed in three days, on May 13 and 16, 2008.

B. Estimated Costs

Cost Projection Scenario

Cleanup Contractor: EQM
Cost Projection Summary

ERRS Contractor	\$	75,000.00
START		25,000.00
EPA		5,000.00
Project Contingency		21,000.00

Project Total	\$	126,000.00

VII. OUTSTANDING POLICY ISSUES

There were no outstanding policy issues identified for this response action.

VIII. ENFORCEMENT

Chris Reiner is the enforcement investigator.

In addition to the extramural costs estimated for the proposed action, a cost recovery enforcement action also may recover the following intramural costs:

Intramural Costs¹

1. Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual costs from this estimate will affect the United States' right to cost recovery.

U.S. EPA Direct Costs	\$ 5,000
U.S. EPA Indirect Costs (35.28%)	<u>\$ 44,450</u>
TOTAL Intramural Costs	\$ 49,450

The total EPA extramural and intramural costs for this removal action, based on full-cost accounting practices, that will be eligible for cost recovery are estimated to be \$175,450.