



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, Ca. 94105-3901

AR0007

SFUND RECORDS CTR
88220658

MEMORANDUM

DATE: December 14, 1993
SUBJECT: Request for a Removal Action at the Tulare Pesticide Site, Waukena, Tulare County, California.
FROM: Daniel M. Shane, OSC, Emergency Response Section
TO: Jeffrey Zelikson, Director, Hazardous Waste Management Division
THRU: Donald White, Chief, Field Operations Branch
THRU: Terry Brubaker, Chief, Emergency Response Section

I. PURPOSE

The purpose of this Action Memo is to request and document approval of the proposed removal action described herein for the Tulare Pesticide Site located at the John Valov Farm, town of Waukena, County of Tulare, California.

II. SITE CONDITIONS AND BACKGROUND

Site Status: Non-NPL
Category of Removal: Time-Critical
CERCLIS ID: CA0000017285
SITE ID: 9E

A. Site Description

1. Removal site evaluation

According to Cal-EPA Department of Toxic Substances Control (DTSC), on September 17, 1992, a California Highway Patrol (CHP) Motor Carrier Specialist discovered an abandoned overseas shipping container (overseas container) at the Thrifty Best Service (TBS) facility in San Joaquin, Fresno County, California.

In a statement to the CHP, the facility owner, William Shubin, described the overseas container as containing extremely hazardous materials and wastes that were abandoned by Schramm Ranch. Schramm Ranch had used the overseas container to store

agricultural chemicals on the ranch. The CHP reported the incident to the Fresno County District Attorney. On October 9, 1992, an inspector with the County Environmental Health Department reported that the overseas container had been removed from the facility. TBS personnel had no knowledge of its whereabouts.

On October 20, 1992, the CHP discovered the overseas container at the John L. Valov Farm (Valov Farm) in Waukena, Tulare County, California ("Tulare Pesticide Site" or "Site"). The overseas container was described as being red\orange in color, made of steel, wooden flooring, approximately 40 feet in length, 10 feet in width and 12 feet in height. The CHP reported a strong odor of chemicals emanating from the overseas container and liquid leaking through the bottom of the doors.

On October 27, 1992, DTSC inspectors entered the overseas container. The inspection revealed damaged and leaking pesticide containers and extensive contamination inside the overseas container. In addition, liquids were visibly leaking through the flooring of the shipping container onto the soil. The soil beneath the overseas container was visibly stained. The overseas container contained numerous drums, small containers and bags of commercial and banned pesticides. The pesticide inventory included Parathion, Paraquat, Lindane, Vapam, Bidrin, Sevin, Eptam and DEF. Many of the drums and smaller containers were unlabelled and the contents were unknown. In addition, a drum containing Dinoseb and a drum containing Toxaphene were found on two separate flatbed trailers near the overseas container. These drums apparently belonged to Valov Farm.

On June 9, 1993, DTSC issued cleanup orders to the potential responsible parties (PRPs), Willam Shubin, TBS and Valov Farm. On June 15, 1993, the TBS's contractors, West Star Environmental, Inc, and RAH enterprises commenced the cleanup. Planned cleanup actions included the repackaging of pesticides into new DOT-approved 55-gallon drums, decontamination of the shipping container, excavation of contaminated soils, transportation and disposal of all hazardous wastes. However, on June 16, 1993, the contractors terminated the cleanup activities due to failure of TBS to pay for contractor services. DTSC immediately tasked their cleanup contractor, Kern Environmental Services, Inc. (KES), to continue the labpacking and overpacking activities.

On June 19, 1993, KES transported approximately 70 drums and 7 pallet boxes containing pesticide wastes to their facility in Bakersfield for temporary storage. Subsequently, DTSC had the pesticide wastes transported to the U.S. Ecology facility in Beatty, Nevada for long-term storage. The estimated cost for disposal of the hazardous wastes stored at U.S. Ecology was \$65,000. DTSC is currently pursuing judicial enforcement action to compel the RPs to pay the disposal costs.

On August 17, 1993, TBS contracted with KES to complete the cleanup activities. The remaining cleanup tasks consisted of removing contaminated wood flooring, decontaminating the overseas container, excavating and stockpiling the contaminated soil. The wood was sawed into short pieces and drummed. The soil was placed on visqueen and covered. Decontamination rinsate was mixed and solidified with the excavated soils. On August 25, KES collected several soil samples from the stockpile, excavation and background areas. Laboratory analysis of the sample collected from the stockpile of contaminated soil revealed very high (percent level) concentrations of Dinoseb. KES estimated that the transportation and disposal costs for the contaminated soil, wood and debris to be \$56,000. According to DTSC, TBS indicated an unwillingness to perform any further cleanup actions. Repeated attempts by DTSC to contact TBS were unsuccessful.

October 1, 1993, Arnold Sargent, the emergency response duty officer for DTSC, requested EPA assistance in the cleanup of the remaining wastes at the Valov farm. A major concern was the unsecured soil stockpile. On October 4, the EPA On-Scene Coordinator (OSC), Dan Shane, issued a verbal Notice of Federal Interest under CERCLA to TBS, through their representative, Charles Harrod. The OSC directed TBS to immediately procure the services of an environmental cleanup contractor to containerize the stockpile of contaminated soil. In addition, TBS was directed to submit a plan and schedule for transportation and disposal of the soil, wood and debris. Charles Harrod agreed, on behalf of TBS, to comply with the OSC's directive.

On October 5, 1993, TBS's contractor, KES, containerized all contaminated soils. EPA's Technical Assistance Team (TAT) contractor performed oversight functions during this action. In addition, TAT collected soil samples in and around the excavation and stockpile areas to determine if all dinoseb contamination had been removed. TAT used the dinoseb field test kit to detect the presence of dinoseb in the samples. The test results were positive for Dinoseb in soil samples collected from the stockpile; all other test results were negative.

The requested plan and schedule from TBS were never received by EPA. Consequently, on November 17, 1993, EPA issued TBS a General Notice Letter. On November 22, 1993, Charles Harrod notified the OSC by telephone that TBS would not assume responsibility for the proper disposal of the hazardous waste materials.

2. Physical location

The Site is on agricultural property owned by John L. Valov, in the County of Tulare, town of Waukena. The Site is located on a field bounded by Road 24 on the west side, Avenue 184 on the south side, by Road 28 on the east side and Highway 137 on the north side. The Waukena Elementary School is situated approximately 500 yards northeast of the Site.

3. Site characteristics

The Site consists of approximately 34 drums (10 cubic yards) of contaminated soil, 14 drums of contaminated wood and one pallet box of contaminated visqueen, protective clothing and other debris. The Site is a boneyard used by the farmer to dispose of retired farm equipment and junk. Cotton trailers are also stored there (steel drums containing Dinoseb and Toxaphene had been removed from the flatbed trailers during the course of the cleanup). The drums are located behind an enclosure in an open field. The enclosure, installed by TBS's contractor, is a fourteen foot tall chain-linked fence that is locked and posted with a warning sign.

Soil samples were collected by KES and submitted to BC Laboratories for analysis. The results of analyses indicated that the stockpiled soil was contaminated with 24,000 mg/kg Dinoseb. In comparison, background soil samples ranged from non-detect to 0.47 mg/kg Dinoseb. A Fish Bioassay Test indicated that the sample taken from stockpiled soil was highly toxic to wildlife; the background samples were practically nontoxic.

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

The material released is Dinoseb which is a hazardous substance as defined by section 101(14) of CERCLA. The Dinoseb wastes were generated as a result of a spill that occurred inside an abandoned overseas container and released to the environment. The PRPs have notified EPA of their intent to abandon the wastes.

5. NPL status

The site is not on the NPL nor is expected to be.

6. Maps, pictures and other graphic representations

None included.

B. Other Actions to Date

1. Previous actions

Section II.A. of this Action Memo provides a detailed summary of previous EPA actions.

2. Current actions

At this time, EPA is taking no current actions at the Site.

C. State and Local Authorities's Roles

1. State and local actions to date

The State provided initial response actions to control further releases and spreading of contamination. Section II.A. of this Action Memo provides a detailed summary of previous State actions.

2. Potential for continued State/local response

The State requested EPA to assume the lead for transportation and disposal of the remaining wastes currently stored at the Site. These wastes include contaminated soil, wood and debris. The State informed EPA that the estimated cost for transportation and disposal would exceed the State's "incident-specific" funding limit within their Emergency Reserve Account for hazardous materials cleanup. The State has already expended funds for completing one phase of the cleanup. The State is currently expending funds for the long-term storage of drums at the U.S. Ecology facility in Beatty, Nevada

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

Dinoseb, a dinitrophenol herbicide, is extremely toxic by dermal absorption and ingestion. The probable oral lethal dose for a 70 Kg person is 5-50 mg/kg (EPA, 1990). Dinoseb is toxic to liver, kidney and nervous systems. EPA has determined that Dinoseb is a potential human developmental toxicant. Studies in laboratory animals suggest that Dinoseb has the potential to affect the immunological system. Hot environments may enhance the absorption and toxic effects. All uses of Dinoseb have been cancelled by the U.S. EPA.

A. Threats to Public Health or Welfare

1. Actual or potential exposure to hazardous substances or pollutants or contaminants by nearby populations or the food chain

Currently, the drums are illegally stored in an open field. Although access to these drums is restricted by the fence enclosure, the area is not regularly patrolled to ensure their security. There is a potential for the drums to deteriorate and leak. The boneyard and drums are an attractive nuisance for children. Young vandals could damage the drums, thereby exposing them to an extremely toxic chemical.

2. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released

Winter storms characterized by heavy rainfall and localized flooding have been reported in the area. The steel drums would be exposed to water and corrosion.

B. Threats to the Environment

The primary threat is to human health. The spill was contained near the source.

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. Proposed Actions

1. Proposed action description

The removal action will consist of the following activities:

- Provide site security measures
- Collect additional waste profile samples and/or enforcement samples, if necessary
- Solicit bids for transportation and disposal
- Transport hazardous wastes to an EPA-approved hazardous waste disposal facility
- Dispose of the hazardous wastes by incineration

2. Contribution to remedial performance

No remedial action is planned at this site.

3. Description of alternative technologies

Alternative technologies for the treatment of Dinoseb wastes were not considered due to the exigencies of the situation.

4. Applicable or relevant and appropriate requirements (ARARs)

On-site removal actions are required to attain ARARs to the extent practicable, considering the exigencies of the situation.

In addition, EPA may consider federal and state advisories, guidance or non-promulgated criteria in selecting a cleanup standard if there is no ARAR or if the ARAR is not sufficiently protective of human health or the environment.

Land Disposal Requirements

Under 40 CFR 268.43, the treatment standard prior to land disposal for Dinoseb (P020 waste) is 2.5 mg/kg. This treatment standard was established based upon incineration. This treatment standard is the ARAR for Dinoseb-contaminated wastes that are placed on-site and is an applicable requirement for P020 wastes that are sent to an off-site disposal facility. The removal action will comply with this applicable requirement and require the wastes to be incinerated. The disposal facility will be selected in accordance with EPA's Off-Site Disposal Policy.

5. **Project schedule**

The removal action is scheduled to begin the week of December 13, 1993. Final disposal should be accomplished within fifteen days from the date of mobilization.

B. Estimated Costs

Cost Projection Scenario

Projection ID No.: 9E Date: December 6, 1993
Cleanup Contractor: CET TAT Contractor: E&E

Cost Projection Summary

Summary of Costs	Proposed Ceiling
ERCS Contractor Costs	\$ 100,000
TAT Contractor Costs	60,000
Extramural Contingency	20,000
EPA Costs	20,000
 Project Total	 \$ 200,000

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

Delayed action could unnecessarily expose unsuspecting persons to hazardous chemicals that can cause severe injury.

VII. **OUTSTANDING POLICY ISSUES**

None.

Conditions at the site meet the NCP section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed removal action. The total project ceiling if approved will be \$ 200,000.00. Of this, an estimated \$ 120,000.00 comes from the Regional removal allowance.

Approve: Keith Takata Jev JZ Date: 12-17-93
(Name and Title)

Disapprove: _____ Date: _____
(Name and Title)