



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

OCT 25 2006

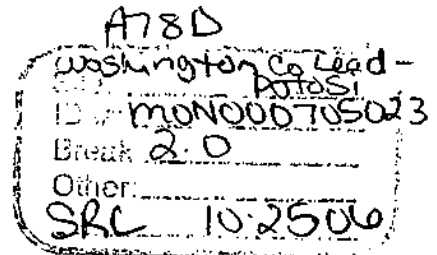
## ACTION MEMORANDUM AMENDMENT #2

SUBJECT: Request for a 12-Month and \$2 Million Exemption for the Time-Critical Removal Action at the Washington County Lead District – Potosi Site in Washington County, Missouri

FROM: Jeff Weatherford, On-Scene Coordinator  
Emergency Response & Removal Branch

THRU: Scott Hayes, Chief  
Emergency Response & Removal Branch

TO: Cecilia Tapia, Director  
Superfund Division



CERCLIS ID#	MON000705023
Site ID#	A78D
Category of Removal	Time-Critical
Nationally Significant/Precedent Setting:	No

### I. PURPOSE

The purpose of Action Memorandum Amendment #2 is to request and document approval of a combined exemption to the 12-month and \$2 million statutory limit on removal actions and also to request a ceiling increase for the ongoing removal action described herein for the Washington County Lead District – Potosi site (Site). This 12-month and \$2 million exemption continues to satisfy the criteria for removal actions under Section 300.415(b)(2) of the National Contingency Plan (NCP). This request meets the emergency criteria for exemption of Section 104(c)(1)(A) of Comprehensive Environmental Response, Compensation, and Liabilities Act (CERCLA), 42 USC §9604(c)(1) from the statutory limits of removal actions and is necessary because the Environmental Protection Agency (EPA) needs to continue to eliminate or reduce potential ingestion exposure due to the presence of lead and other heavy metals in drinking water and in the soils. To date approximately 1,283 residential properties have had soil sampled and 619 have had drinking water sampled. Approximately 939 properties remain to be sampled. Bottled water is being provided to more than 100 residences and the time-critical excavation of lead contaminated soils at 123 properties is ongoing or pending. This exemption is necessary because EPA needs to continue to sample the remaining properties, provide alternative water to residents with contaminated wells, and excavate lead contaminated residential soils.

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SUPERFUND RECORDS



## II. EXEMPTION FROM STATUTORY LIMITS

This response action will go beyond the 12-month limitation, and due to the factors noted below an exemption to the 12-month and \$2 million limit along with a ceiling increase is requested. The number of residential yards and drinking water wells needing to be sampled require additional time to complete. Additionally, there are residential yards where excavation is necessary and homes where alternative drinking water needs to be provided. An emergency exemption from the statutory limit is necessary for this action in accordance with Section 104(c)(1)(A) of CERCLA, 42 USC § 9604(c)(1).

There is an immediate risk to the public health or welfare or the environment at the Site. Site characterization activities determined the presence of high levels of lead contamination in residential soils and drinking water wells. About 1,283 properties have been assessed thus far, with 123 time-critical removals identified; 100 wells were found to have lead contamination above the 15 parts per billion (ppb) limit. This is only about 60 percent of the properties in the Potosi area. The primary health threat is ingestion of lead by children and pregnant women. Children are particularly susceptible to lead contamination, and the harm that results from ingestion of lead is immediate and irreversible, including permanent learning disabilities. Continuation of the response action described in the Action Memorandum will eliminate the immediate risk posed by soil contamination in the residential yards and from the contaminated drinking water wells.

The response actions are immediately required to prevent, limit, or mitigate an emergency. Following completion of the described response actions, site contaminants will be removed from the soil in the yards and alternative drinking water will be provided as described in the Action Memorandum, reducing the potential for exposure to lead. If additional funding is not provided, these threats will not be addressed, and residents in the Potosi Area will continue to be exposed to high lead concentrations which could lead to the adverse health effects described above.

Assistance will not otherwise be provided on a timely basis. Neither the state of Missouri, the county, nor the local governments have the response authority and/or resources to implement the described actions. The high lead levels found in residential soils and drinking water an immediate response to address the health risks posed to the residents.

The above conditions satisfy the emergency exemption criteria and a ceiling increase and the \$2 million and 12-month exemptions should be granted in order to immediately provide emergency and continued response actions.

### III. SITE CONDITIONS AND BACKGROUND

#### A. Site Description

##### 1. Removal Site Evaluation

The EPA has sampled nearly 1,283 residential properties and 619 drinking water wells to date. Bottled water is being provided to 100 residences where lead in the drinking water exceeds the 15 ppb limit. One hundred twenty-three residences have been identified as having lead contaminated soils above the time-critical limit of 1,200 parts per million.

Approximately 939 houses still need to have the soil and/or drinking water sampled. Additional time-critical removals are expected to be found, and more residences will require bottled water to be provided. Excavation of the contaminated soil will begin shortly, and the additional funding will allow for the excavations to proceed and the additional bottled water to be provided.

##### 2. Physical Location and Site Characteristics

See previously approved Action Memorandum and the Action Memorandum Amendment.

##### 3. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant, or Contaminant

See previously approved Action Memorandum and the Action Memorandum Amendment.

##### 4. NPL Status

See previously approved Action Memorandum and the Action Memorandum Amendment.

##### 5. Maps, Pictures, and Other Graphic Representations

See previous Action Memorandum.

#### B. Other Actions to Date

To date approximately 1,283 residential properties have had the soil sampled and 619 have had drinking water sampled. Bottled water is being provided to more than 100 families.

#### C. State and Local Authorities' Roles

See previously approved Action Memorandum

IV. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT AND STATUTORY AND REGULATORY AUTHORITIES, ENDANGERMENT DETERMINATION, PROPOSED ACTIONS, AND ESTIMATED COSTS

See previously approved Action Memorandum.

V. ENDANGERMENT DETERMINATION

The actual release of a hazardous substance at this Site, if not addressed by implementing the response action selected in this Amendment (#2), presents an imminent and substantial endangerment to the health of the public that comes in contact with the site and to public welfare and the environment.

VI. PROPOSED ACTIONS AND ESTIMATED COST

A. Proposed Actions

See previously approved Action Memorandum and the language below for prohibition for conducting removal actions for naturally occurring lead.

EPA will not intentionally address naturally occurring lead ores in their undisturbed state as part of this action. Although the site has been heavily mined in the past, it may still be possible to encounter naturally occurring lead ores during residential property excavation. Section 104(a)(3)(A) of CERCLA states that removal or remedial actions shall not be provided in response to a release or threat of release of a naturally occurring substance in its unaltered form or altered solely through natural processes in a location where it is naturally found. Naturally occurring lead ores could be found at the bedrock interface and in undisturbed clay soils near the surface. Another indicator of the presence of naturally occurring lead ores could be a high density of galena crystals in soils or unusually high concentrations of lead in excavated soils. When these conditions are encountered, they will be documented, excavation will stop, and backfill initiated.

B. Estimated Costs

The costs associated with this removal action are estimated as follows:

Extramural Costs:

	Current Ceiling	Proposed Increase	Proposed Ceiling
Removal Costs	\$1,652,262	\$1,281,682	\$2,933,944
Contingency	330,453	167,176	497,629
Removal Ceiling	\$1,982,715	\$1,448,858	\$3,431,573

The EPA direct and indirect costs, although cost recoverable, do not count toward the total removal project ceiling for this removal action.

Intramural Costs:

	<u>Current Ceiling</u>	<u>Proposed Increase</u>	<u>Proposed Ceiling</u>
EPA Direct	\$ 110,000	\$ 50,000	\$ 160,000
EPA Indirect	<u>1,060,797</u>	<u>759,771</u>	<u>1,820,568</u>
Intramural Costs	\$1,170,797	\$ 809,771	\$1,980,568
Total Project Ceiling			\$5,412,141

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

Delayed action will continue to potentially expose residents, particularly children, to the contaminated soils and drinking water exceeding the federal action levels.

VIII. OUTSTANDING POLICY ISSUES

See previous Action Memorandum

IX. ENFORCEMENT

Attached is a Confidential Enforcement Addendum for this Site. For National Contingency Plan (NCP) consistency purposes, it is not a part of Action Memorandum Amendment #2.

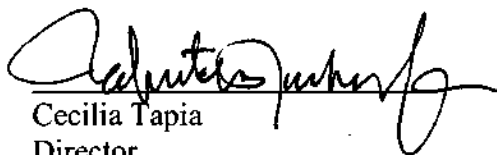
X. RECOMMENDATION

This decision document represents the approved removal action for the contaminated soils and drinking water at the Site. The removal action was developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the Site.

Conditions at the Washington County Lead District – Potosi site meet NCP Section 300.415(b) criteria for a removal action and I recommend your approval of an exemption from

the \$2 Million and 12-month limitation and a ceiling increase of \$1,448,858 to allow the removal response to continue. The total project ceiling, if approved, will be \$3,431,573.

Approved:



Cecilia Tapia  
Director  
Superfund Division

10 25 06  
Date

Attachments:      Confidential Enforcement Addendum  
                         Action Memorandum signed October 17, 2005  
                         Action Memorandum Amendment signed April 4, 2006