



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

ACTION MEMORANDUM

SUBJECT: Approval and Funding for Time-Critical Removal Action at the Recycletronics - Akron Farm Facility Site, Akron, Plymouth County, Iowa

FROM: Daniel O’Crowley, On-Scene Coordinator
Response, Removal, and Emergency Preparedness Section

THRU: J. Heath Smith, Chief
Response, Removal, and Emergency Preparedness Section

Adam Ruiz, Chief
Assessment, Emergency Response and Removal Branch

TO: Mary P. Peterson, Director
Superfund and Emergency Management Division

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of funding for a fund-lead, time-critical removal action at the Recycletronics – Akron Farm Facility Site (Site). The primary objective of this time-critical removal action is to mitigate the potential threat to human health and the environment by the removal of lead-contaminated materials identified at the Site. The removal will primarily consist of transportation and disposal of cathode ray tube (CRT) glass currently stored in an approximately 9,000-square-foot storage building.

II. SITE CONDITIONS AND BACKGROUND

SITE NAME:	Recycletronics – Akron Farm Facility
CERCLIS ID:	IAN000720353
SITE ID:	B7L5
SITE LOCATION:	Akron, Plymouth County, Iowa
LAT./LONG.:	42.817923°, -96.485911°
NPL STATUS:	Non-NPL
REMOVAL CATEGORY:	Time-Critical
NATIONALLY SIGNIFICANT:	No



A. Site Description

1. Removal site evaluation

The Site was an illegal storage location for a recycling business operated by Siouxland PC and Electronics Recycling, LLC (Recycletronics) and Mr. Aaron Rochester, Recycletronics' owner. The Site consists of an approximately 9,000-square-foot farm building located on a residential farmstead. Recycletronics leased the building primarily to store crushed and intact CRT glass.

EPA Region 7's RCRA Enforcement Program conducted a RCRA Compliance Evaluation Inspection at the Site in April 2017. CRT glass was identified in cardboard gaylord boxes stacked to the rafters throughout the entire building. A toxicity characteristic leaching procedure (TCLP) sample of the crushed CRT glass taken from the facility identified lead concentrations at 11 milligrams per liter (mg/L), exceeding the RCRA hazardous waste threshold of 5 mg/L.

In 2017, the RCRA Enforcement Program entered into a settlement agreement with Recycletronics and Mr. Rochester to perform cleanup of the Site as well as five other illegal storage locations. After entering the settlement agreement, Recycletronics declared bankruptcy and administratively dissolved in 2017. The RCRA Enforcement Program has issued several ability to pay (ATP) requests to Mr. Rochester; however, as of the date of this Action Memo, he has never indicated an ability to pay for the cleanup.

Due to Mr. Rochester's inability to pay for cleanup at the Site and the potential for a release to the environment, the RCRA Enforcement Program referred the Site to the Superfund Program in May 2021.

A Removal Site Evaluation (RSE) was conducted in August 2021. The RSE consisted of general site reconnaissance and soil sampling around the building. Analytical results from soil samples collected around the building did not identify elevated concentrations of lead or other heavy metals. However, it was clear that the building was in a state of disrepair and had not been maintained. The cardboard gaylord boxes containing the CRT glass had deteriorated and blocked access beyond the first few feet of the building. The siding on one section of the building appeared to have blown off and intact CRT glass had been released outside of the building.

Because access was limited to most of the building, a full assessment of its contents could not be completed. However, according to statements made by Mr. Rochester, approximately one-third of the gaylord boxes within the building contain crushed CRT glass, and two-thirds of the gaylord boxes contain intact CRTs. The total amount of CRT glass is estimated to range from 1,560 to 2,550 tons. Mr. Rochester also previously stated that there may be additional unprocessed electronic waste within the building.

2. Physical location

The Site is located at 16998 160th Street, Akron, Plymouth County, Iowa. The latitude and longitude of the Site are 42.817923°, -96.485911°.

The EPA has conducted an environmental justice (EJ) review of the community where the site is located using EJSCREEN, EPA's EJ mapping and screening tool. According to the EJSCREEN, the data does not indicate potential areas of EJ concern. EJSCREEN provides a nationally consistent dataset and approach for combining environmental and demographic indicators. The EPA uses EJSCREEN to evaluate a community where a Superfund site is located to determine whether additional consideration, analysis, or as determined by the site team as EPA plans for, and conducts, response actions in the community.

3. Site characteristics

The Site consists of an approximately 9,000-square-foot farm building located on a residential farmstead. Surrounding land use is agricultural.

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

Analytical results indicate that lead is present in the CRT glass stored at the Site. Lead is a hazardous substance as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14). TCLP results confirm that the CRT glass is categorized as a hazardous waste since it exceeds the maximum concentrations for lead listed in 40 C.F.R. 261.24, Table 1. Intact CRT glass has already been released due to deterioration of the building. As the building continues to deteriorate, intact and crushed CRT glass will likely continue to be released to the environment.

5. National Priorities List status

The Site is not listed on the National Priorities List.

6. Map, pictures, and other graphic representations

Figures depicting the Site location and Site layout are included in Attachment 1 and Attachment 2, respectively.

A. Other Actions to Date

See Section II.A.1 (Removal Site Evaluation).

B. State and Local Authorities' Roles

The EPA is coordinating with the Iowa Department of Natural Resources (IDNR).

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

A. Threats to Public Health or Welfare

Where the EPA makes a determination, based on the factors set forth in 40 C.F.R. § 300.415(b)(2), that there is a threat to public health or welfare or the environment, it may take any appropriate removal action to abate, prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release. The factors in 40 C.F.R. § 300.415(b)(2) that apply to this Site are:

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.

Elevated concentrations of lead have been identified in the CRT glass stored at the Site. Lead is a heavy metal and has been listed as a hazardous substance pursuant to section 102 of CERCLA, 42 U.S.C § 9602 and 40 CFR § 302.4, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). If released to the environment, lead contained in the CRT glass will likely leach into the surrounding soil. The Site is a residential farmstead with children living there. Children playing in and around contaminated areas have the highest potential to be exposed to lead contamination. Children are more vulnerable to lead poisoning than adults. For children, lead can damage the central nervous system, kidneys, and reproductive system. At higher levels, it can cause comas, convulsions, and death. Even low levels of lead are harmful and are associated with decreased intelligence, impaired neurobehavioral development, decreased stature and growth, impaired hearing acuity, and possibly high blood pressure. Lead is classified by the EPA as a probable human carcinogen and is a cumulative toxicant. A significant amount of lead that enters the body is stored in bone for many years and can be considered an irreversible health effect.

300.415(b)(2)(iv) – Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.

The storage building is in a state of disrepair, and parts of the siding appear to have already blown off the building. As the building continues to deteriorate, wind, rain and other severe weather may cause lead contained in the CRT glass to be released into the surrounding environment.

300.415(b)(2)(vii) – The availability of other appropriate federal or state response mechanisms to respond to the release.

The EPA has explored other mechanisms to respond to this release of hazardous substances at the Site and none have been identified.

IV. ENDANGERMENT DETERMINATION

The actual release of hazardous substances from the Site, if not addressed by implementing the response action selected in this Action Memorandum, present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COST

A. Proposed Actions

1. Proposed action description

The objective of this action will be to transport and dispose of all hazardous substances associated with this facility. TCLP results indicate that the CRT glass stored on site is a hazardous waste. The CRT glass will be transported to a qualified hazardous waste management facility for recycling or disposal.

The CRT glass may be ground to a smaller diameter on site to reduce transportation and disposal costs. Due to site conditions, grinding and storage of crushed glass will likely occur outside and has the potential to contaminate nearby soils. Any affected media, as well as other wastes identified during the removal, will be characterized and treated or disposed of appropriately.

2. Contribution to remedial performance

No remedial action is anticipated; however, the fund-lead actions proposed in this Action Memorandum should not impede any future remedial plans or other responses.

3. Applicable Relevant and Appropriate Requirements

Removal actions conducted under CERCLA are required to attain applicable or relevant and appropriate requirements (ARARs) to the extent practicable. In determining whether compliance with ARARs is practicable, the EPA On-Scene Coordinator may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted. On October 21, 2021, EPA sent a letter to IDNR requesting ARARs for the Site. Additionally, the EPA has identified the following potential ARARs:

Federal

- Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq., including:
 - o 40 C.F.R. Part 258, et seq., Subtitle D;
 - o 40 C.F.R. Part 260, et seq., Subtitle C ;
 - o 40 C.F.R. Part 261, et seq., Identification and Listing of Hazardous Waste;
 - o 40 C.F.R. Part 262, et seq., Standards Applicable to Generators of Hazardous Waste;
 - o 40 C.F.R. Part 263, et seq., Standards Applicable to Transporters of Hazardous Waste; and
 - o 40 C.F.R. Part 268, et seq., Land Disposal Restrictions o 42 U.S.C. § 6941

et seq., State or Regional Solid Waste Plans 12.

- Clean Air Act, 42 U.S.C. § 7401 et seq., including 40 C.F.R. Part 50, the National Ambient Air Quality Standards.
- Clean Water Act, 33 U.S.C. § 26, including 40 C.F.R. § 122.49, the National Pollution Discharge Elimination System.
- Endangered Species Act, 16 U.S.C. § 1531 et seq.
- National Historic Preservation Act, 16 U.S.C. § 470 et seq.

State

A letter requesting that the state identify ARARs for this Site was sent to IDNR on 10/21/2021. Any state ARARs will be evaluated per EPA guidance on consideration of ARARs during removal actions. To qualify as ARARs, these requirements must be: (1) promulgated; (2) identified by the state within the period specified in the letter; and (3) more stringent than federal requirements.

4. Project Schedule

Due to site conditions and geographic location, response activities are anticipated to begin in Spring 2022 to avoid complications caused by winter weather.

B. Estimated Costs

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

Extramural Costs	
Removal Costs	\$1,031,781.40
<u>Contingency (20 percent)</u>	<u>\$ 206,356.28</u>
Removal Ceiling	\$1,238,137.68

EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Refer to the enforcement section for a breakout of these costs

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

Conditions at this Site will continue to pose a threat to public health and the environment until response actions are implemented.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

A Confidential Enforcement Addendum has been prepared for this site. For NCP consistency purposes, the Confidential Enforcement Addendum is not part of this Action Memorandum.

The total EPA costs for this removal action, based on full-cost accounting practices, are estimated to be:

Direct Extramural Costs	\$1,238,137.68
Indirect Intramural Costs	\$ 103,178.14
<u>EPA Indirect (43.21 percent)</u>	<u>\$ 579,846.15</u>
Total Costs	\$1,921,161.97

Direct costs include direct extramural and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage offsite-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include prejudgment 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 total costs from this estimate will affect the United States' right to cost recovery.

IX. RECOMMENDATION

This decision document represents the selected removal action for addressing the hazardous substances, pollutants or contaminants present 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.

The conditions at the Site meet NCP section 300.415(b) criteria for a removal action. I recommend your approval of the proposed removal action. The removal action ceiling will be \$1,238,137.68. These funds will come from the Regional Removal Allowance.

Approved:

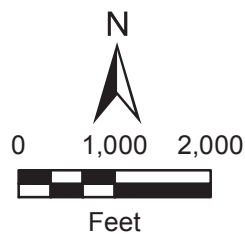
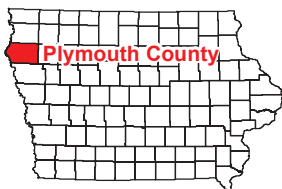
Mary P. Peterson, Director
Superfund and Emergency Management Division

Attachment 1 – Site Location

Attachment 2 – Site Layout

Attachment 1

Site Map



Source: USGS Akron, IA 7.5 Minute Topo Quad, 1978;
USGS Ireton SW, IA 7.5 Minute Topo Quad, 1978

Recycletronics - Akron Farm Facility Site
16998 160th Street
Akron, Iowa

Figure 1
Site Location Map



Date: 9/7/2021

Drawn By: Rose Micke

Project No: 103X903021F0100

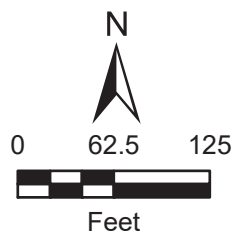
Attachment 2

Site Layout Map



Legend

Property Boundary



Recycletronics - Akron Farm Facility Site
16998 160th Street
Akron, Iowa

Figure 2
Site Layout Map



Source: Esri, ArcGIS Online World Imagery, August 2018.

Date: 9/7/2021

Drawn By: Rose Micke

Project No: 103X903021F0100

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