



## REGION 8

DENVER, CO 80202

### **ACTION MEMORANDUM**

**SUBJECT:** Action Memorandum for a Removal Action at the Roy Mercury Site pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104.

**FROM:** Craig Myers, OSC  
CERCLA Response Section

**THRU:** Kerry Guy, Supervisor  
CERCLA Response Section  
  
Deirdre Rothery, Manager  
Emergency Management Branch

**TO:** Aaron Urdiales, Director  
Superfund and Emergency Management Division

#### **I. Purpose**

The purpose of this memorandum is to document the decision to initiate emergency response actions described herein for the Roy Mercury Site located in Roy, Weber County, Utah pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104. This emergency response involved the removal of a small container of mercury found in a residential garage. Conditions existing at the Site present a threat to public health or welfare or the environment and meet the criteria for initiating a removal action under 40 CFR 300.415(b)(2) of the National Contingency Plan (NCP).

#### **II. Site Information**

##### **A. Site Description**

Site Name: Roy Mercury  
Site Spill ID (SSID): B8L4  
NRC Case Number: 1404984  
CERCLIS Number: UTN000826437  
Site Location: W 5025 S and S 2125 W, Roy, Utah, 84067  
Lat/Long: 41.171900/ -112.031000  
Potentially Responsible Party (PRP):  
NPL Status: Non-NPL  
Removal Start Date: July 17, 2024

## **B. Site Background**

### **1. Site Evaluation**

Utah's State Fire Marshall contacted EPA on July 16, 2024, and requested assistance with a small container of mercury located in the garage of a private residence in Roy, Utah. The property owner reported that their deceased father, who was an assayer, owned the mercury. The property owner reported that the small container of mercury was approximately 50 years old and that the container was intact. The garage is a separate structure from the house. The Utah Department of Environmental Quality (DEQ) investigated the scene as well as the Department of Public Health and the Roy and Ogden Fire Departments.

A Federal On-Scene Coordinator (OSC) deployed from Denver. The OSC dispatched EPA's START contractor located in Denver, Colorado and EPA's ERRS contractors located in Salt Lake City, Utah on July 17, 2024. The OSC estimated that the small container held approximately three pounds of mercury.

### **2. Physical location and Site characteristics**

The Site is located near W 5025 S and S 2125 W, Roy, Utah, 84067 in Weber County. The Site is an approximate .25-acre residential property with a single-family home and detached garage. There are several residential homes adjacent to the Site. For purposes of this removal action, the Site also includes the ERRS contractor's Salt Lake City warehouse, where the chemicals and wastes are temporarily stored prior to disposal.

The roads and general topography in the area ranges from flat to steep. The residence is along the front range of the Wasatch Mountains north of Salt Lake City. According to the 2022 census, the City of Roy has a population of approximately 39,306 over an area of 7.6 square miles. The median income is approximately \$84,000.

According to EPA's Environmental Justice (EJ) Screening and Mapping Tool, the data indicates potential areas of EJ concern at or near the Site.

### **3. Release or threatened release into the environment of a hazardous substance, pollutant or contaminant.**

Mercury is the contaminant of concern at the Site and is a listed hazardous substance in 40 CFR 302.4.

Mercury is the only metal that is liquid at room temperature. In its pure form (often called metallic), mercury is a shiny, silver-white, odorless liquid. At

room temperature, mercury vaporizes into a toxic, colorless, odorless gas.<sup>1</sup> In its vapor form, mercury is easily inhaled and extremely toxic. For liquid mercury, the most important route of absorption is through inhalation. Because of the chemical nature of mercury vapor, deposition and retention in the lungs are quite high (on the order of 80 percent in humans).<sup>2</sup>

When spilled or tracked into a small or poorly ventilated room, mercury can pose significant health threats. Very small amounts of mercury, released into an enclosed space (such as a home or classroom), can raise air concentrations to harmful levels. Metallic mercury is extremely difficult to remove from shoes, clothes, furniture, carpet, and other porous items. It is easily tracked and transferred. If these items are not properly disposed or cleaned, the mercury can linger for months or years and continue to pose a health threat.<sup>3</sup>

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

#### **A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants.**

At the time of the incident, Utah DEQ's Lumex was not functioning, and the state could not assess if mercury had been released from the small container. The owner did not have the wherewithal to address the potential for a release nor manage the proper disposal of the mercury.

**B. Check applicable factors (from 40 CFR 300.415) which were considered in determining the appropriateness of a removal action:** EPA has considered all the factors described in 40 CFR 300.415(b)(2) of the NCP and determined that the following factors apply at the Roy Mercury Site.

- ☒ Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)].
- ☐ Actual or potential contamination of drinking water supplies or sensitive ecosystems [300.415(b)(2)(ii)].
- ☐ Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release [300.415(b)(2)(iii)].
- ☐ High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate [300.415(b)(2)(iv)].

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<sup>1</sup> United States of America, Agency for Toxic Substances and Disease Registry, Division of Toxicology and Environmental Medicine Prevention, Response and Medical Support Branch Emergency Response Team. (2012, March 22). Action Levels for Elemental Mercury Spills.

<sup>2</sup> Arch Environ Health, 1976 Nov-Dec; 31(6):302-9. Clearance of mercury (HG-197, HG-203) vapor inhaled by human subjects.

<sup>3</sup> <https://www.epa.gov/mercury/health-effects-exposures-mercury>

- Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].
- Threat of fire or explosion [300.415(b)(2)(vi)].
- x The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].
- Other situations or factors that may pose threats to the public health or welfare of the United States or the environment [300.415(b)(2)(viii)].

#### **IV. Selected Removal Action and Estimated Costs**

##### **A. Situation and Removal Activities to Date**

###### **1. Current Situation.**

EPA's Removal Program initiated an emergency response pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104 on July 16, 2024. An EPA response team consisting of the OSC and START and ERRS contractors arrived at the Site on July 17, 2024. Field activities were completed on June 17, 2024, with off-site disposal pending. The container and its contents are being temporarily staged at the ERRS warehouse in Salt Lake City, Utah using proper DOT containers.

###### **2. Removal activities to date:**

###### **a) Federal Government/Private Party**

The findings of the OSC's on-site assessment, which included screening the garage for mercury vapors, was that the mercury container was intact and there was no indication of mercury release. Due to the extremely toxic nature of mercury as well as the difficulty to remove it once spilled, EPA disposed of the small container properly in order to prevent a future release that would endanger the health of the owners or future residents.

START calibrated instruments, made entry, and found no significant traces of mercury. START evaluated the entire garage. Afterwards, ERRS packaged the mercury up for proper transportation and disposal. The small container is currently being stored at the ERRS warehouse until proper shipping and disposal can be completed.

###### **b) State/local**

Both Roy and Ogden Fire Departments were on site and treated this effort as a training exercise for their members. The State Fire Marshall notified the EPA of the situation and worked with the resident throughout the response. The county's public health service was on scene and gathering information. Utah's DEQ was also kept apprised of the situation.

### 3. Enforcement

Where the responsible parties are known, an effort initially shall be made, to the extent practicable, to determine whether they can and will perform the necessary removal action promptly and properly.

## **B. Planned Removal Actions**

### 1. Planned action description

Awaiting final disposal and confirmation by ERRS. The container has been secured in a DOT approved container for proper shipping and disposal at the ERRS warehouse.

### 2. Contribution to remedial performance

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the site.

### 3. ARARs

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted. No ARARs were identified due to the urgency of the situation and the scope of the removal action to be conducted.

### 4. Project Schedule

Disposal actions are projected to be completed in the next few weeks.

## **C. Estimated Costs\***

Contractor costs (ERRS/START staff, travel, equipment)	<b>\$25,000</b>
Other Extramural Costs (Strike Team, other Fed Agencies)	<b>\$0</b>
Contingency costs (20% of subtotal)	<b>\$5,000</b>
<b>Total Removal Project Ceiling</b>	<b>\$30,000</b>

\*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA. "

## **V. Expected Change in the Situation Should Action Be Delayed or Not Taken**

A delay in action or no action at this Site would increase the actual or potential threats to the public health and/or the environment.

## **VI. Outstanding Policy Issues**

None.

## **VII. Approvals**

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and is not inconsistent with the National Contingency Plan. This decision is based on the administrative record for the Site.

Conditions at the site met the NCP section 300.415(b) criteria for a removal action and through this document, I am approving the proposed removal actions. The total project ceiling is \$30,000, this amount will be funded from the Regional removal allowance.

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Craig Myers,  
Federal On-Scene Coordinator

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Date

### Attachments

Attachment 1: Map

Attachment 2: Photo

## Region 8 TERA

TERA

IPaC





Attachment 2

