



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

MAR 16 2020

**SUBJECT:** Request for a Change in Scope of Work for a Removal Action at the Hamburg Kaercher Creek Site, Hamburg PA

**FROM:** Todd Richardson, On-Scene Coordinator  
Western Response Section (3SD32)

Handwritten signature of Todd Richardson in blue ink, with the initials "TK" written below it.

**TO:** Paul Leonard, Acting Director  
Superfund and Emergency Management Division (3SD00)

**THRU:** Fran Burns, Chief  
Western Response Section (3SD32)

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Mike Towle, Branch Chief  
Preparedness and Response Branch (3SD30)

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## I. PURPOSE

The purpose of this Action Memorandum (Memorandum) is to request approval for a change in the Scope of Work set forth in the *Request for Additional Funding and a Change in Scope for a Removal Action at the Hamburg Kaercher Creek Site in Hamburg, Berks County, Pennsylvania*, as approved April 30, 2019 (2019 Action Memorandum), which is attached as Attachment "A." The requested change in Scope of Work is based on the need to address an additional regulated waste stream, which was not identified during the development of the original Scope of Work set forth in the 2019 Action Memorandum. Therefore, this Memorandum shall serve as a supplement to the 2019 Action Memorandum.

This Memorandum is intended to add to the Scope of Work in the 2019 Action Memorandum, Section VI., A., Proposed Actions. In addition to activities associated with the excavation and disposal of lead contaminated soil and debris, as provided in the 2019 Action Memorandum, the approval of this change in the Scope of Work would allow for the excavation and disposal of PCB remediation waste, as defined in 40 C.F.R. § 761.3.

## II. SITE DESCRIPTION AND BACKGROUND

The Hamburg Kaercher Creek Site (Site) is located in Hamburg, Pennsylvania. The Site consists of portions of Kaercher Creek (Kaercher Creek or Creek), a stream that runs through Hamburg Borough, in close proximity to several lead sites in Hamburg. Battery wastes had been disposed of at several locations along the Creek, resulting in lead contamination on Creek banks and in the sediments. The 2019 Action Memorandum included

as part of the Site a paved parking area located at the Hamburg Fieldhouse, located near the Creek. The parking area drained into Creek. As set forth in the 2019 Action Memorandum, Section II., lead contamination has occurred at the Site due to the disposal of lead contaminated battery casings on properties along Kaercher Creek, and from downstream migration of lead from other disposal areas and the former Price Battery Plant.

The information below provides an update since the 2019 Action Memorandum.

EPA commenced the removal activities (Removal Activities) set forth in the Scope of Work, Section VI.A. of the 2019 Action Memorandum on April 16, 2019. During the excavation operations conducted as part of the ongoing Removal Activities, buried, and partially buried drums were encountered in the northeast work area of the site, in a flat area adjacent to the bank. These drums were rusted, and some were in deteriorating conditions. To date, ten drums have been excavated and staged for disposal. All the drums contained a solidified sandy, waxy material. Although the material was solid and appeared to be inert, as a precaution, the On Scene Coordinator (OSC) directed EPA's Emergency and Rapid Response Services contractor to perform disposal sampling on the drummed material. The analysis revealed a total PCB concentration of 537 parts per million (ppm). This waste is considered PCB remediation waste, as defined in 40 C.F.R. § 761.3, and must be disposed of in accordance with 40 C.F.R. § 761.61. While the discovery of these buried drums is considered incidental to the cleanup of lead contamination at the Site, based on the presence of these drums of PCB-containing materials, it has become necessary to incorporate PCB sampling and disposal into the approved Scope of Work for this removal action.

### **III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT**

See 2019 Action Memorandum, Section III. In addition to the information contained in Section III of the 2019 Action Memorandum, the information below provides an update since the 2019 Action Memorandum.

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a Removal Action. Paragraphs (b) (2) (i), (iii), (iv), and (vii) of Section 300.415 directly apply as follows to the conditions as they exist at the Hamburg Kaercher Creek Site.

- A. 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"

Polychlorinated biphenyls (PCBs) are a hazardous substance. The drum waste is considered PCB remediation waste, as defined in 40 C.F.R. § 761.3, and must be disposed of in accordance with 40 C.F.R. § 761.61. Trespassers and or visitors could be exposed to contaminated soil and PCB containing materials in deteriorating drums, encountered at or near the ground surface at the site.

- B. 300.415 (b) (2) (iii) "Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release"

During excavation operations, as part of the ongoing removal action, the OSC observed several deteriorating drums at the surface or partially buried at the site. A sample of the material

contained in the drums was analyzed, and determined to contain a total PCB concentration exceeding 500 ppm (537 ppm). This waste is considered PCB remediation waste, as defined in 40 C.F.R. § 761.3, and must be disposed of in accordance with 40 C.F.R. § 761.61. It is likely that additional drums, and or PCB containing materials are present at the Site.

- C. 300.415 (b) (2) (iv) “High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate.”

PCBs were detected at concentrations exceeding the TSCA PCB cleanup level of 1 mg/kg in soil samples collected at the site. The area where the PCB contamination has been encountered is adjacent to Kaercher Creek. The proximity of PCB contamination to the creek could result in migration of PCB contamination off site via surface water run-off and creek flow.

#### **IV. ENDANGERMENT DETERMINATION**

See 2019 Action Memorandum, Section IV. In addition to the Endangerment Determination provided in the 2019 Action Memorandum, the Site contains PCB remediation waste, a CERCLA hazardous substance, which release, if not addressed by implementing the response action set forth in this Memorandum, may present an imminent and substantial endangerment to the public health, welfare or the environment.

#### **V. EXEMPTION FROM STATUTORY LIMITS**

See 2019 Action Memorandum, Section V. No additional exemptions are sought in this Memorandum.

#### **VI. PROPOSED ACTIONS AND ESTIMATED COSTS**

This Memorandum will amend the 2019 Action Memorandum by adding as a new line item to Section VI. A., Proposed Actions, as follows:

15. Stage and dispose of PCB remediation waste over 1 ppm, in accordance with 40 C.F.R. § 761.61, when/if encountered during excavation operations.

To date the following actions have been completed in accordance with the 2019 Action Memorandum:

- a. Obtained access agreements to conduct removal operations from the Hamburg Fire Company, Hamburg Manufacturing, and from two private land owners of properties adjacent to the active work areas;
- b. Set up of command post and staging areas;
- c. Clearing and grubbing operations of approximately 1,000 linear feet of the north bank of Kaercher Creek;
- d. XRF screening to confirm and further delineate lead contamination on the north bank of Kaercher Creek;
- e. Excavation of lead contaminated soil and debris – from approximately 23,500 square feet of creek bank and areas adjacent to the creek bank on the north area of

the Site;

- f. Disposal sampling, field screening of soils and debris excavated on site;
- g. Disposal of approximately 1,500 tons of RCRA non-regulated waste soil and debris

Approximately 65% of the creek bank, site restoration, and any necessary repair to the fieldhouse parking, lot including surface water drainage features, remains to be addressed as part of this removal action.

The proposed Change in Scope set forth in this Memorandum will result in no increase in the project ceiling as set forth in the 2019 Action Memorandum.

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

See 2019 Action Memorandum, Section VII.

**VIII. OUTSTANDING POLICY ISSUES**

There are no outstanding policy issues pertaining to the Site.

**IX. ENFORCEMENT STATUS**

See 2019 Action Memorandum, Section VIII. An updated Confidential Enforcement Addendum is attached as Attachment "B."

**X. RECOMMENDATION**

Conditions at the Site continue to meet the criteria for the CERCLA Section 104(c), 42 U.S.C. § 9604(c), emergency exemption, and I recommend that you approve a change in Scope of Work to include the staging and disposing of waste containing PCBs over 1 ppm, with no increase in the total project ceiling.

This Memorandum is based on the Administrative Record for the Site. By signing this Memorandum, you are also hereby establishing the documents listed below as the Administrative Record, Supporting the issuance of this Memorandum, pursuant to Section 113 (k) of CERCLA and EPA delegation 14-22.

1. Site Pollution Reports 50 through 55
2. Drum Disposal Sampling Analytical Results, January 2020

Approved:   
Paul Leonard, Acting Division Director  
Hazardous Site Cleanup Division

3-16-20  
Date