



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8SEM-EMR

ACTION MEMORANDUM

SUBJECT: Approval and Funding for an Emergency Removal Action at the Agency Village SD Chemicals Site, Agency Village, Roberts County, South Dakota pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104

FROM: Joyce Ackerman
Federal On-Scene Coordinator

THRU: Kerry Guy, Supervisor
Response Section

Deirdre Rothery, Manager
Emergency Management Branch

TO: Betsy Smidinger, Director
Superfund and Emergency Management Division

Site ID#: B8C2

I. PURPOSE

The purpose of this Action Memorandum is to document the decision to initiate emergency response actions described herein for the Agency Village SD Chemicals Site (Site) located in the town of Agency Village, Roberts County, South Dakota on the Lake Traverse Indian Reservation, pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104.

This emergency removal action involved the cleanup and proper disposal of outdated chemicals from an unused laboratory in the town of Agency Village (Town). Conditions at the Site presented a threat to public health and the environment and met the criteria for initiating a removal action under 40 CFR § 300.415(b) of the National Contingency Plan (NCP).

This removal action involved no nationally-significant or precedent-setting issues. This emergency response removal action will not establish any precedent for future response actions and will not commit the U.S. Environmental Protection Agency to a course of action that could have a significant impact on future responses or resources.

II. SITE CONDITIONS AND BACKGROUND

Site Name:	Agency Village SD Chemicals Site
Superfund Site ID (SSID):	B8C2
NRC Case Number:	N/A
SEMS Number:	SDN000821138
Site Location:	Agency Village, Roberts County, South Dakota
Lat/Long:	45.568140/-97.061720
National Priorities List (NPL) Status:	Non-NPL
Removal Start Date:	May 4,2022

A. Site Description

1. Removal Site Evaluation

The Sisseton Wahpeton Oyate Tribe (Tribe) at the Lake Traverse Indian Reservation requested assistance from the U.S. EPA Emergency Response Section regarding outdated chemicals at an unused laboratory in the Town. The Tribe stated the chemicals could be potentially harmful to the building and any persons inside. The Tribe provided a partial inventory of the chemicals and stated there were additional chemical containers which were missing labels or had faded labels. Based on the inventory and photos provided by the Tribe, OSC Joyce Ackerman determined there were acids, flammables, poisons, corrosives, and oxidizers present which could pose a threat to persons who enter the building. The OSC determined an emergency removal action was necessary to identify the unknown chemicals by hazard categorization field testing and properly segregate, package, and prepare all chemical containers for transportation and disposal to a permitted disposal facility.

2. Physical Location

The Site consists of an unused laboratory in the Town of Agency Village in Roberts County, South Dakota on the Lake Traverse Indian Reservation. Agency Village is an unincorporated town located in northeastern South Dakota and is the headquarters of the Sisseton Wahpeton Oyate. The township reported a population of 277 people at the 2020 census. A Site map is provided in Attachment 1. There are day care centers located near the Site. According to EPA's Environmental Justice (EJ) Screening and Mapping tool, Agency Village and the surrounding area are listed as 66.7 percent low income and in the 80th percentile of potential Environmental Justice areas nationally.

3. Site Characteristics

The Site consists of a laboratory that is no longer used and contains numerous outdated, unattended chemicals. There were no active controls to ensure safe and reliable storage of the chemicals.

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

The chemical containers included but were not limited to sulfuric acid, sodium hydroxide, phosphoric acid, and sodium phosphate, which are hazardous substances as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Some containers were labeled as containing corrosives, poisons, and flammables and some containers had faded or no labels so the contents were unknown.

The unattended chemicals posed a threat of release. Exposure to these hazardous substances posed a dermal and inhalation threat to humans accessing the laboratory.

5. NPL Status

This Site is not on the NPL, nor is it currently proposed for inclusion on the NPL.

6. Maps, Pictures and Other Graphic Representations

A Site map is provided in Attachment 1.

B. Other Actions to Date

1. Previous Actions

There are no previous EPA actions on the Site.

2. Current Actions

There are no current activities on the Site.

C. Tribal and Local Authorities' Roles

1. Tribal and Local Actions to Date

The Tribe requested assistance from EPA's Region 8 Emergency Response Section. The Tribe's limited resources were not sufficient to address the characterization, management, and disposal of the chemicals at the Site.

2. Potential for Continued State/Tribal/Local Response

Neither the Tribe nor local authorities had sufficient resources to complete the cleanup at this Site in a timely fashion.

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

Conditions at the Site presented a threat to public health and the environment and met the criteria for initiating a removal action under 40 CFR 300.415(b)(2) of the NCP.

EPA has considered all the factors described in 40 CFR 300.415(b)(2) of the NCP and determined the following factors apply at the Site:

“(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, or pollutants or contaminants:”

If the unattended chemical containers were accessed by humans, there would be a threat of inhalation and dermal exposure with associated toxic health effects.

“(vii) The availability of other appropriate federal or state mechanisms to respond to the release:”

No other local, tribal, or federal agency was in the position or had the resources to independently implement a timely, effective response action to address the ongoing threat presented by the Site.

IV. SELECTED REMOVAL ACTION AND ESTIMATED COSTS

A. Removal Action

1. Removal Action

An OSC mobilized to the Site and began work on May 4, 2022, with the START and ERRS contractors. The START contractor conducted hazard categorization field testing on the containers with faded or no labels. The ERRS contractor segregated and packaged the chemical containers in preparation for transportation and disposal at a permitted facility.

2. Contribution to Remedial Performance

This effort will, to the extent practical, contribute to any future remedial effort at the property. However, no further federal action is anticipated at this time.

3. Engineering Evaluation/Cost Analysis (EE/CA)

An EE/CA is not required for an emergency removal action.

4. Applicable or Relevant and Appropriate Requirements (ARARs)

Emergency response actions conducted under CERCLA are required to attain ARARS, to the extent practicable considering the exigencies of the situation. 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 have been identified for this removal action. RCRA requirements concerning waste analysis, manifesting, packaging, and transporting, while not ARARs, apply to off-site shipments of hazardous wastes.

5. Project Schedule

The removal action was initiated on May 4, 2022. Pickup of the packaged chemicals and transportation off-site to a permitted facility is anticipated to take place in June 2022.

B. Estimated Costs*

	Estimated Costs
ERRS contractor	\$35,000
START Contractor	\$20,000
SUBTOTAL	\$55,000
Contingency Costs (20 % of subtotal)	\$11,000
Total Removal Project Ceiling	\$66,000

*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 the Site would have increased the actual or potential threats to the public health and/or the environment.

VI. OUTSTANDING POLICY ISSUES

None.

VII. ENFORCEMENT

A separate Enforcement Addendum will be prepared if appropriate providing a confidential summary of potential enforcement activities.

VIII. APPROVALS

This decision document represents the selected emergency removal action for the Agency Village SD Chemicals Site, in the town of Agency Village, Roberts County, South Dakota,

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.

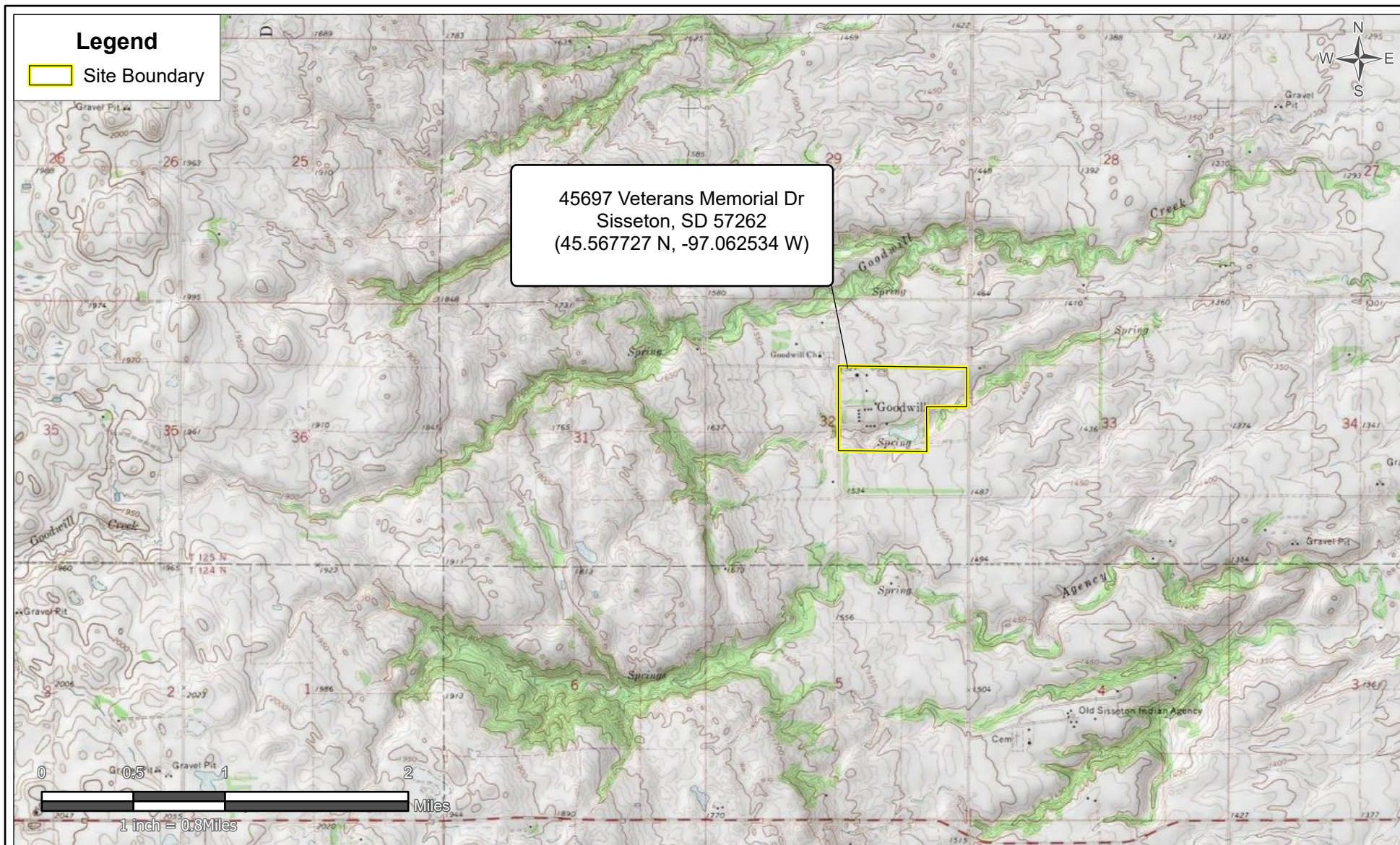
Conditions at the Site met the NCP section 300.415(b) criteria for a removal action, and through this document I am approving the removal action. The total project ceiling will be \$66,000; this amount will be funded from the Regional removal allowance.

Joyce Ackerman
Federal On-Scene Coordinator

Date

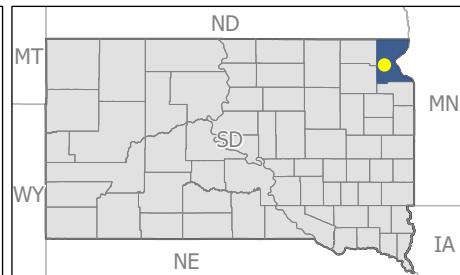
Attachments:

Attachment 1: Site Maps



Notes:

Source:
Background: USGS 24K TOPO ESRI Basemap
Sample Locations: EPA Region 8 START V (Tetra Tech)
Spatial Reference: WGS 1984 Web Mercator Auxiliary Sphere
Coordinate System



United States
Environmental
Protection Agency

Region 8 START V
TD: 2071-2203-05



TETRA TECH

Analyst: M. Caldwell
Date: 5/20/2022

Agency Village SD Chemicals
Sisseton, Roberts County, South Dakota

Figure 1
Site Location

