



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
17 SEP 1992

Terry Koehn-LMD (circled) *Conrad* *Edgely*

pls cc cover sheet for Kim M. as a reference.

RECEIVED

SEP 21 1992

cc D Rossberg

Date: BUREAU OF SOLID -
HAZARDOUS WASTE MANAGEMENT

REPLY TO THE ATTENTION OF:

Subject: Action Memorandum - Request for a Consistency Exemption to Increase the Ceiling beyond the \$2 Million Statutory Limits to Continue Removal Actions at the Better Brite Plating Co. Chrome and Zinc Shop site (Better Brite Inc.), DePere, Wisconsin (Site ID # 50)

From: Steven J. Faryan and *Walter F. Nied* On-Scene Coordinators
Emergency & Enforcement Response Branch

David Linnear, Remedial Project Manager
Remedial & Enforcement Response Branch *Susan Menconigo*

To Valdas V. Adamkus
Regional Administrator

Thru: *Willie H. Naus for* William Munro, Acting Director
Waste Management Division

I. PURPOSE

The purpose of this Action Memo is to request your approval to increase the Removal Action Ceiling by \$4,085,261 to expend a total of \$5,428,591 to complete the proposed removal action described herein for the Better Brite, Inc. site in DePere, Brown County, Wisconsin. Section 104(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) allows the statutory limit of \$2 million to be increased if continued removal actions are appropriate and consistent with the planned remedial action. This Action Memorandum requests the approval to exceed the Removal Action Statutory limitation of \$2 million based upon this "Consistency Exemption" as the planned response actions for Better Brite Inc. are consistent with the planned remedial action. The proposed action seeks to permanently abate a potential threat to human life, health and the environment by eliminating 10,000 cubic yards of chromium contaminated soil, which is the source of groundwater contamination at the site. Additional groundwater collection systems will be installed and contaminated water will be treated at the on-site treatment unit to prevent any further migration to the ground water. This is a time-critical removal action due to documented chrome and zinc groundwater contamination and the high migration potential to a municipal drinking water well which is located 200 feet from the site.

This removal action will aid in the efficiency of the planned Remedial Action by reducing the time and costs as well as enhanced protection of public health and the environment.

II. SITE CONDITIONS AND BACKGROUND

Site Description

The Better Brite Plating Co. Chrome and Zinc Shops (Better Brite, Inc.) site consists of two former electroplating facilities located at 519 Lande Street and 315 South Sixth Street in DePere, Wisconsin. The Better Brite facilities are located in a predominantly residential area.

The Better Brite Plating Co. Chrome facility is a one and one-half acre site situated in a residential area abutting residential property on three sides, approximately one quarter mile west of the Fox River (see Figure 1 map of site). The site operated as a chrome plating facility from 1970 until 1985. During this period, about 20,000 to 60,000 gallons of plating solution leaked from in-ground plating vessels. The owner of Better Brite, Inc., Everett Hintz, filed for bankruptcy in October of 1985.

A 1986 Removal Action by the Emergency Response Branch of the United States Environmental Protection Agency (U.S. EPA) eliminated the threats posed by on-site drums, tanks and vats containing hazardous materials. The U.S. EPA responded to the site again in the spring of 1988 at the request of the Wisconsin Department of Natural Resources (WDNR). Chromium contaminated water was seen in the backyards of residences adjacent to the west side of the site, causing hexavalent chromium to deposit in soils and gardens. In 1988, the plating operations building and the concrete foundation were removed and the site was clay capped. During this period, monitoring wells were installed on the site and around its perimeter by the WDNR. In 1990, a recovery well was constructed, which in conjunction with the already existing french drain system collected a total of 6,000 gallons of contaminated water per day. A hexavalent chromium treatment system utilizing reduction with acid with precipitation with a polymer was installed on-site to treat this water. The U.S. EPA treated 500,000 gallons of chromium contaminated water until November of 1991.

The Better Brite Zinc facility is a defunct metals plating facility, located at 315 South Sixth Street in DePere Wisconsin (see Figure 2 map of site). The area surrounding the site is primarily residential, with the nearest residence located 20 feet north of the site. The Better Brite Zinc property covers approximately one third of an acre. There is

a municipal well (Grant Street Pumping Station) located 200 feet west of the facility.

The WDNR documented several plating solution spills at this site. In June of 1987, WDNR installed six monitoring wells adjacent to the Better Brite Zinc facility. Monitoring well samples indicated elevated concentrations of chromium and zinc contamination. A U.S. EPA Removal Action in October of 1989 resulted in the removal of all hazardous chemicals on-site. During this removal action a total of 100 drums, 40 tanks, and over 5000 gallons of plating solutions, and 350 cubic yards of soil was disposed of at CERCLA/RCRA compliant facilities. A total of \$500,000 was expended to complete this successful removal action. In addition, a groundwater collection sump was installed during the removal action at the east end of the facility. The contaminated groundwater collected from this sump was periodically sent to the Better Brite Chrome treatment facility. To date an estimated 75,000 gallons of contaminated water has been collected in the sump, transported to the Chrome site and treated at the on-site treatment plant.

For the Chrome Shop, a Preliminary Assessment (PA) was conducted by the WDNR in 1983 with a Site Inspection (SI) conducted by the U.S. EPA Field Investigation Team (FIT) contractor in 1984. The WDNR did a follow up SI in 1988. The PA for the Zinc Shop was conducted in March of 1988 and the SI in July 1988, both by the WDNR. The Better Brite Chrome and Zinc Shops were proposed for joint inclusion on the National Priorities List (NPL) in October 1989 and were listed as one site on the NPL in August 1990. In September 1990 the U.S. EPA entered into a Cooperative Agreement with the WDNR for the WDNR to conduct a Remedial Investigation and Feasibility Study (RI/FS) at the site.

On June 28, 1991, U.S. EPA Remedial Response Branch completed a Record of Decision (ROD) for an interim action at the Zinc and Chrome Shops calling for the continued pumping and treating of the contaminated water, providing security at both facilities, covering of the contaminated building at the Zinc Shop, installing drainage systems and modifying and continuing the operation of the pre-treatment system covering both of the shops. The implementation of the Interim Action began in the fall of 1991 at both of the shops. U.S. EPA and the WDNR entered into a cooperative agreement which provided for the use of City of DePere Waste Water Treatment operators to continue operations of this treatment system.

III. THREATS

Conditions at the Better Brite site continue to present a threat to public health or welfare as specified in Section 300.415(b)(2) of the National Contingency Plan (NCP).

1) Actual or potential contamination of drinking water supplies or sensitive ecosystems

A municipal water well is located approximately 200 feet west of the Better Brite Zinc facility. Monitoring wells at this facility have been found to be contaminated with as much as 1,200 parts per million (ppm) chrome and 150 ppm zinc. This municipal water supply is threatened by the persistent presence of hexavalent chromium, a known carcinogen. Glacial till and fractured limestone are common in this area and could allow downward migration of the chromium into the aquifer utilized for the municipal water supply. Analytical results have confirmed that this well is not contaminated now.

2) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate.

Soil at both the Better Brite Chrome and Better Brite Zinc facilities has shown contamination ranging as high as 5,000 ppm chrome and 500 ppm zinc. Surface water run-off and groundwater flow has caused migration of the chromium from the site into the neighboring resident's yards.

In the Preliminary Health Assessment prepared by the Wisconsin Division of Health for the Agency for Toxic Substances and Disease Registry (ATSDR), dated May 1, 1991, it stated that the Chrome and Zinc Shops pose a public health hazard because there is a potential for human exposure to toxic chemicals in groundwater, surface water, and on-site soil. It further stated that the future hazards associated with eventual contamination of municipal wells cannot be estimated at this time. If nearby residents in the municipal service area are continuing to use private wells in the dolomite aquifer, there is a threat of human exposure to chromium. It is possible that contact with chromium-laden surface water could result in dermal sensitization.

IV. ENDANGERMENT DETERMINATION

Given the site conditions, the nature of the hazardous substances on site, and the potential exposure pathways to nearby populations described in Sections II and III above, actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare and the environment.

V. EXEMPTION FROM STATUTORY LIMITS

CERCLA Section 104 (c), as amended, allows an exemption from the \$2 million statutory limit if the continued response action is otherwise appropriate and consistent with the remedial action to be taken. This is called the "consistency exemption." Superfund Delegation 14-2-B (September 1987), delegates approval authority for consistency exemptions to the Assistant Administrator, Office of Solid Waste and Emergency Response (AA/OSWER) and Regional Administrators. Regional Administrators may only exercise this authority at sites specified by the AA/OSWER.

- A) Continued response actions are otherwise appropriate and consistent with the remedial action to be taken;

The removal of the 10,000 cubic yards of contaminated soil will permanently remove the source of the chromium and prevent any further migration of the contaminants into the ground water. In addition, further ground water collection systems will be installed in the excavated areas to facilitate the removal of the chromium contamination from the ground water. This proposed removal action is consistent with work being conducted along with the interim action and will be consistent with subsequent remedy regarding groundwater cleanup since this action will be removing the highest concentrations of site contamination.

- B) **Appropriateness:** This removal action is necessary and required for the following reasons;

1. To avoid a foreseeable threat:

This removal action permanently abates the primary threat of chromium contamination. The solidification and fixation or off-site disposal of approximately 10,000 cubic yards of chromium contaminated material will permanently remove the primary source of chromium contamination found on site.

2. To prevent further migration of the contaminants:

This removal action will remove the primary source of the contamination of the groundwater, preventing any further migration of the chromium into the groundwater. The groundwater collection systems which will be installed will collect and treat chromium contaminated water preventing any migration of contaminated groundwater. Also this removal action will eliminate the off-site

migration of contaminated soil at Better Brite Chrome.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

1. Proposed Actions

The following actions are proposed to alleviate the potential and actual threats to human health and the environment posed by the hazardous chemicals in the soil and the groundwater. The proposed removal action is appropriate and is consistent with the planned interim action and subsequent remedial action regarding groundwater cleanup and adds to the efficiency of the cleanup by reducing time and costs to accomplish similar tasks under the remedial program, as well as expediting the protection to public health and the environment.

- a) Remove and dispose of the concrete pads at both facilities.
- b) Demolish the Better Brite Zinc building after decontaminating the plating line and treatment system and dispose of the debris.
- c) Decontaminate the steel at the Better Brite Zinc facility
- d) Excavate a total of approximately 10,000 cubic yards of contaminated soil at both facilities, stabilize the material with portland cement and dispose of off-site as a non-hazardous waste. Cleanup levels will be determined by ATSDR, EPA and WDNR prior to removal.
- e) Install groundwater collection systems at both sites to collect contaminated groundwater. The contaminated water collected during excavation efforts and from the drainage fields will be treated at the on-site treatment plant.
- f) Back fill the excavated areas with gravel, clean soil and a layer of clay.
- g) Utilize the existing treatment system to treat the contaminated groundwater.
- h) Dispose of the resulting chromium solid from water treatment.

If any hazardous waste is transported off site, the RCRA off-site policy will be complied with.

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants or contaminants at the site which may pose an

imminent and substantial endangerment to public health and safety, and to the environment. All applicable or relevant and appropriate requirements (ARARs) will be complied with to the extent practicable. Any state and local ARARs will be complied with during this removal action.

2. Project Schedule

It is estimated that the removal will be completed in ninety (90) 12 hour working days, with the exception of weather delays. The remedial action is expected to be completed within a year. Detailed schedules will be developed prior to initiation of the remedial action.

B. Estimated Costs

The detailed Emergency Response Cleanup Services (ERCS) contractor costs are presented in Attachment C, with the estimated project costs presented below:

<u>EXTRAMURAL COSTS</u>	<u>PREVIOUS ACTION</u>	<u>PRESENT ACTION</u>	<u>PROJECT TOTAL</u>
Cleanup contractor	\$ 949,553	\$2,818,216	\$3,767,769
contingency (20%)	\$ 142,477	\$ 563,643	\$ 706,120
Sub total	\$1,092,030	\$3,381,859	\$4,473,889
TAT, including multiplier costs	\$ 84,040	\$ 99,639	\$ 183,679
Extramural subtotal	\$1,176,070	\$3,481,498	\$4,657,568
Extramural contingency (15%)	\$ 121,660	\$ 522,225	\$ 643,885
Extramural Total	\$1,297,730	\$4,003,723	\$5,301,453
<u>INTRAMURAL COSTS</u>			
U.S. EPA Direct Costs [\$30 (2225 Regional hrs + 225 HQ hrs)]	\$ 22,950	\$ 36,382	\$ 59,332
U.S. EPA Indirect Costs [\$53 x 2225 Reg hrs]	\$ 22,650	\$ 45,156	\$ 67,806
Intramural Total	\$ 45,600	\$ 81,538	\$ 127,138
TOTAL REMOVAL PROJECT CEILING COST	\$1,343,330	\$4,085,261	\$5,428,591

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

Due to the contamination of the soil and the groundwater, delayed action may result in the contamination of one or more of the City of Depere's six municipal wells. The closest municipal well is approximately 250 feet west of the Zinc Shop.

every other residence was 300'

VIII. OUTSTANDING POLICY ISSUES

No additional outstanding policy issues remain that were not addressed.

IX. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this site is contained in an Enforcement Confidential attachment (Attachment B).

X. RECOMMENDATION

This decision document represents the selected action for the Better Brite, Inc. site in DePere, Wisconsin, developed in accordance with CERCLA as amended by SARA, and, not inconsistent with the National Contingency Plan. This decision is based on the Administrative Record for the site (See Attachment A). Because the conditions at the Better Brite, Inc. site meet the National Contingency Plan, 40 CFR Section 300.415 (b) (2) criteria and the proposed removal action at the site meets the criteria of the CERCLA Section 104(c) consistency exemption, we recommend that you approve an exemption from the \$2 million Statutory Limit to increase the ceiling by \$4,085,261 to continue removal actions. The total project ceiling if approved will be \$ 5,428,591, of which up to \$2,816,217 may be used for the ERCS contractor costs. \$500,000 is available in the Region V fiscal year 1992 budget and the balance will be covered from the fiscal year 1993 budget. Please indicate your decision by signing below.

APPROVE:

Nancy V. Adams
Regional Administrator

DATE:

9/17/92

DISAPPROVE:

Regional Administrator

DATE:

- Attachments:
- A. Previous Action Memos
 - B. Enforcement Confidential Section
 - C. Detailed Cost Estimates
 - D. Administrative Record

K. McCutcheon, WDNK
bcc: T. Johnson, OS-210
L. Peterson/B. Warning, 5CS-TUB-3
A. Bauman, 5HS-10
R. Powers/R. Buckley, 5HS-GI
R. Bowden, 5HS-12
P. Schafer, 5HS-12
J. Barnette, 5HS-12
D. Fript, 5HS-12
L. Fabinski, ATSDR, 5HS-10
O. Warnsley, RP/CRU, 5HSM-TUB-7
T. Lesser, 5PA-14
W. Nied, 5HS-12
(Contracting Officer) (C. Brasher)
EERB Read File
EERB Delivery Order File (C. Brasher)
EERB Site File

ATTACHMENT B

ENFORCEMENT CONFIDENTIAL INFORMATION

The Better Brite Plating Inc. Zinc Shop site is located at 315 Sixth St. in DePere, Wisconsin. The site was owned by Mr. Everett Hintz. Mr. Hintz filed for Bankruptcy in 1985. The Zinc shop was sold to Mr. John Zenner of DePere, Wisconsin by the Trustee for the Bankruptcy Court. Mr. Zenner abandoned the Zinc Shop in August of 1989. The facility was abandoned by Mr. Zenner when it became apparent that the business was unprofitable. On October 11, 1989, the Federal Bureau of Investigation (FBI) and the U.S. EPA National Enforcement and Investigation Center (NEIC) issued a search warrant to Mr. Zenner and entered the building to collect samples for a possible Criminal Investigation.

Mr. Zenner was issued verbal notification of his potential liability on November 7, 1989, by U.S. EPA On-Scene Coordinator Steven J. Faryan. A confirmation letter was sent to Mr. Zenner and his attorney confirming that verbal notification had been given.

A Section 106 Administrative Order by Consent (AOC) was sent to Mr. Zenner and the Zinc Shop, Inc. (Respondents) on May 7, 1990, for signature. The Respondents did not return an executed copy to U.S. EPA. As a result, a Section 106 Unilateral Administrative Order (UAO) was issued to the Respondents on June 4, 1990. The UAO required the Respondents to remove and dispose of all plating wastes, and decontaminate and remove all vats, drums, and containers which had been abandoned in the Zinc Shop building by the Respondents. Mr. Zenner complied with U.S. EPA's request to heat the building and to turn on the electricity. Mr. Zenner also pumped out one leaking tank. The remaining removal activities were not completed by the Respondents because Mr. Zenner claimed to not have the financial resources.

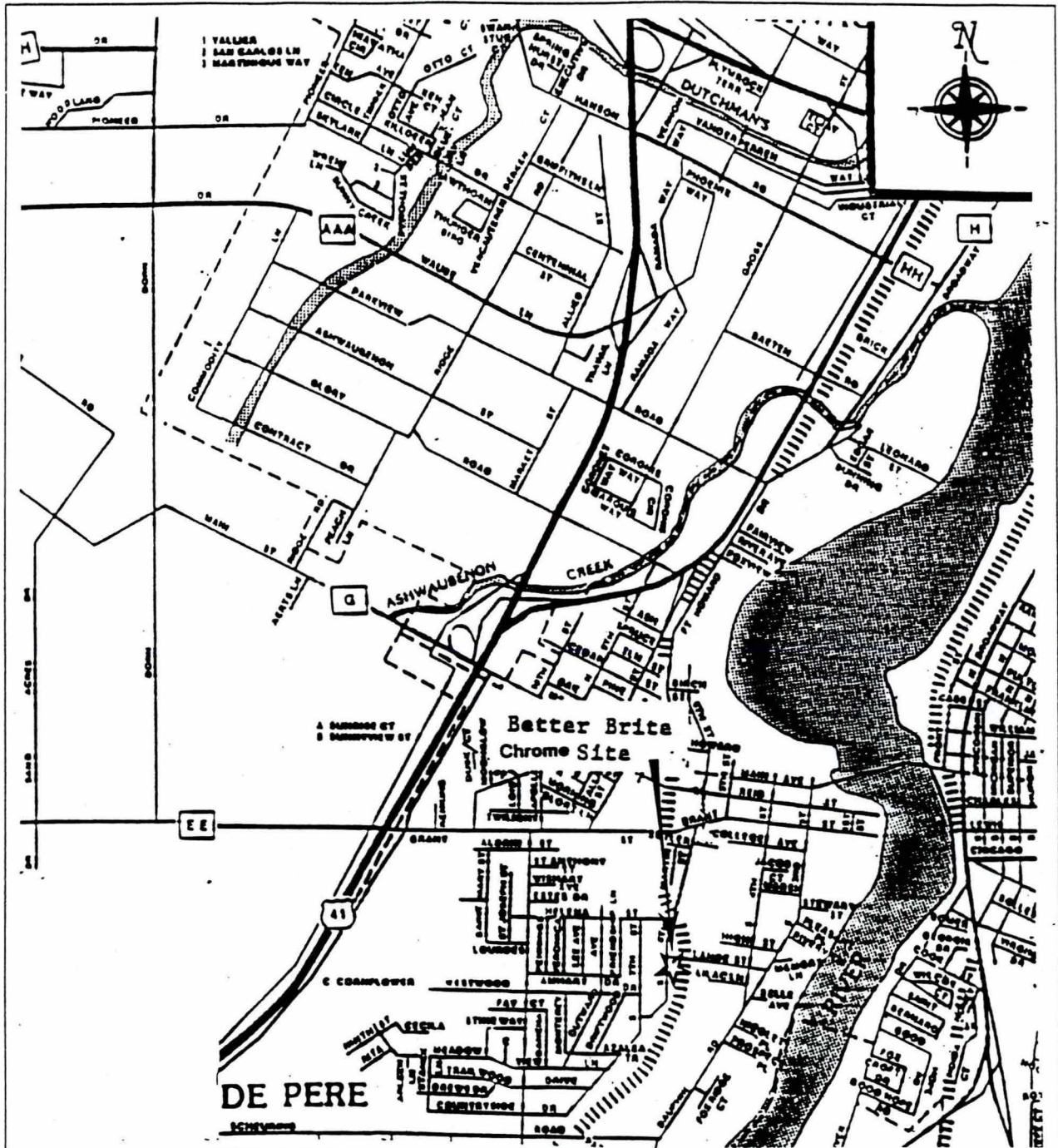
Based on past enforcement dealings with Mr. Hintz's bankrupt estate, it appears that Mr. Hintz is not a viable Potentially Responsible Party (PRP). Legal actions have been taken by the State against Mr. Zenner and Mr. David J. Matyas, the trustee of the estate.


At this time, there are no other known viable PRPs that would be capable of conducting the removal action. If viable PRPs are identified, the appropriate Section 106 Administrative Order will be issued.

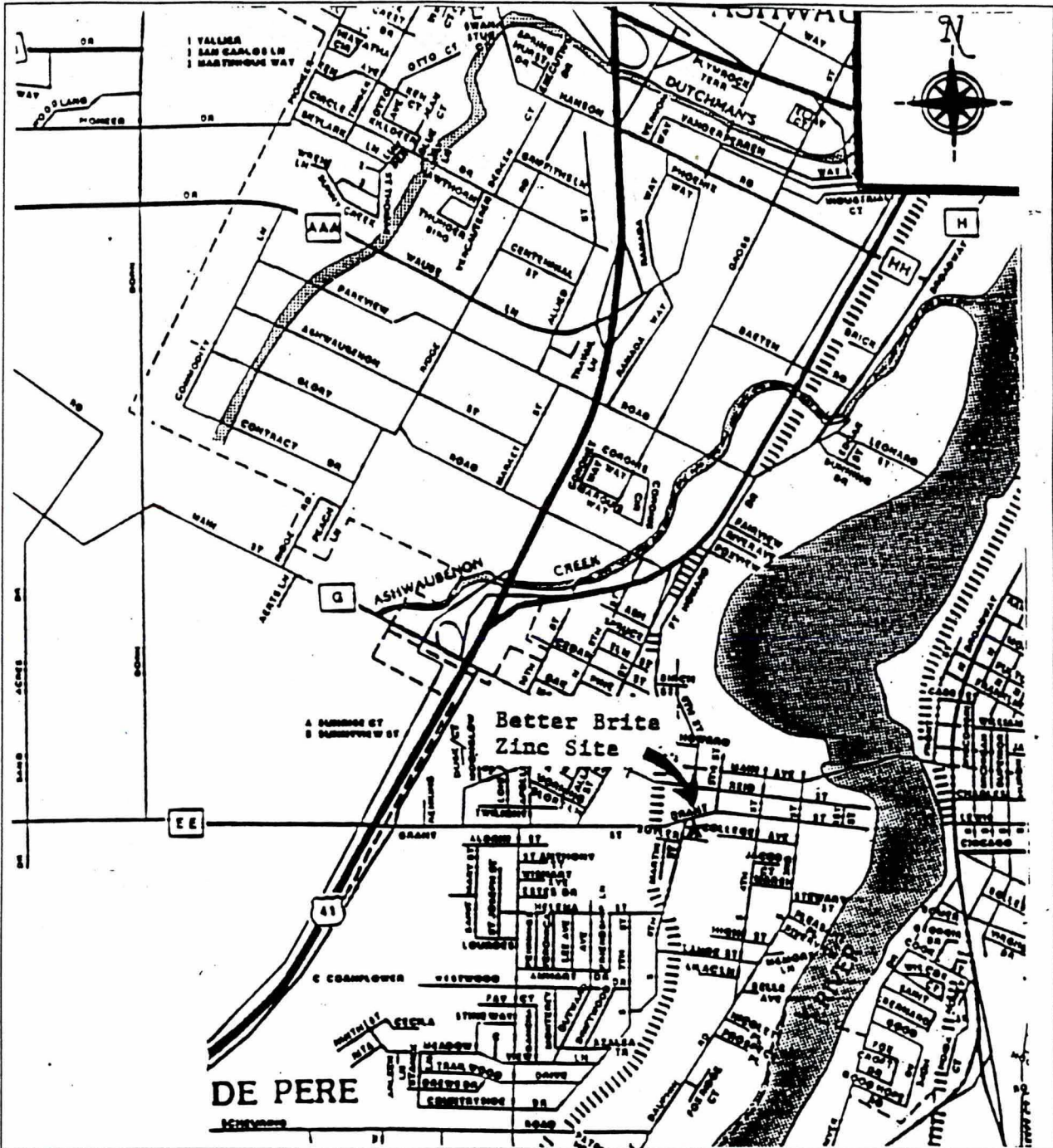
ATTACHMENT C

CLEAN-UP CONTRACTOR COSTS

CONTRACTOR PERSONNEL	\$ 361,470
CONTRACTOR EQUIPMENT	\$ 112,704
UNIT RATE MATERIAL	\$ 94,847
SUBCONTRACTORS	\$ 185,028
WASTE DISPOSAL AND TRANSPORTATION	\$ 2,062,168
	<hr/>
CLEAN-UP CONTRACTOR TOTAL	\$ 2,816,217



 EPA U.S. EPA REGION V EMERGENCY AND ENFORCEMENT RESPONSE BRANCH			
TITLE	Site Location Map	FIGURE #	1
SITE	Better Brite Chrome	SITE ID	
CITY	De Pere	STATE	WI
SOURCE	Weston OSC Report	DATE	7-24-90
		REVISION	



EPA U.S. EPA REGION V
 EMERGENCY AND ENFORCEMENT RESPONSE BRANCH

TITLE	Site Location Map	FIGURE #	2
SITE	Better Brite Zinc	SITE ID	
CITY	De Pere	STATE	WI
SOURCE	Weston OSC Report	SCALE	1 Inch = 1/2 Mile
		DATE	7-24-90
		REVISED	