

CIRCLE ENVIRONMENTAL #1 & #2 SUPERFUND SITES Dawson, Terrell County, Georgia

PRP Meeting



May 21, 2012
Atlanta, Georgia



Introductions



- Brenita Richardson
Enforcement Project Manager
- James Webster, Ph.D.
On-Scene Coordinator
- Marshall Binford
Associate Regional Counsel
- Raimy Kamons
U.S. Department of Justice Attorney

Today's Agenda



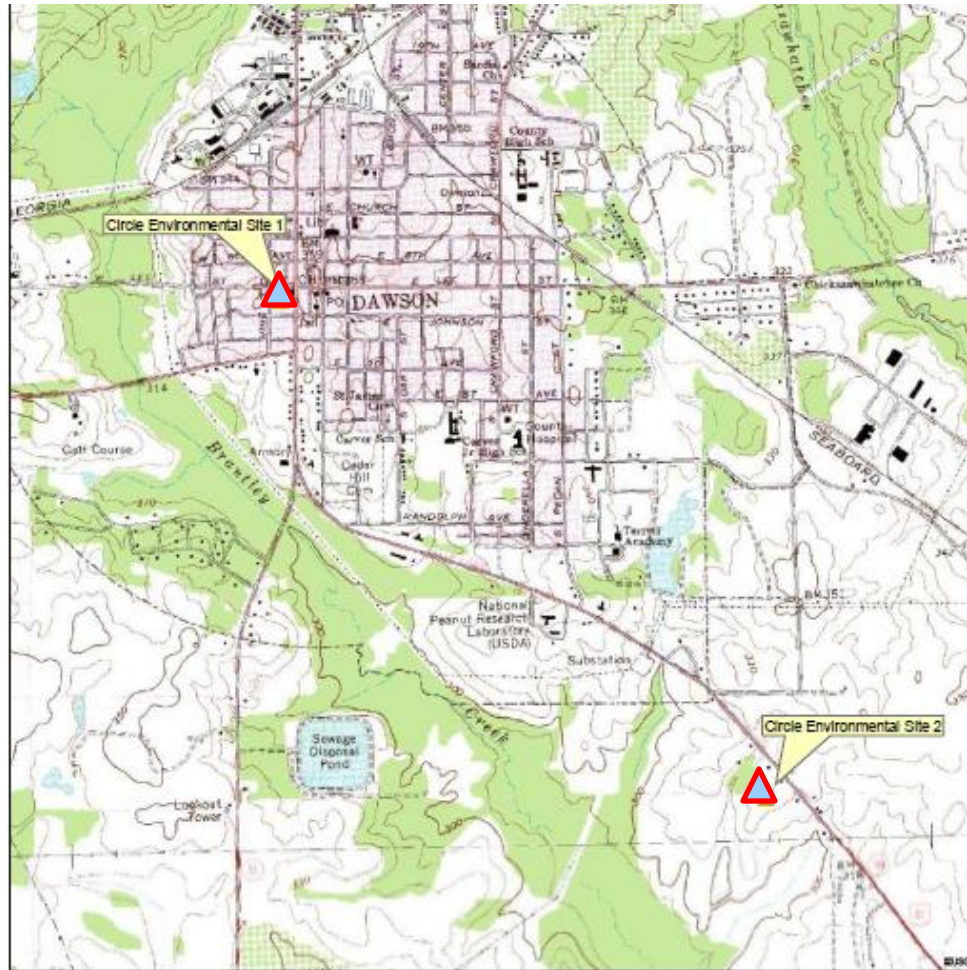
- About the Sites
- Emergency Response Action
- Enforcement History
- CERCLA Liability
- What EPA Asks of You
- Settlement Incentives
- Guide for Initial PRP Group Meeting
- Questions and Answers

About the Sites



Marshall Binford
Associate Regional Counsel
U.S. EPA Region 4

Dawson, Georgia



0 1,000 2,000
1:24,000 Feet

MAP SOURCE:
USGS, DAWSON, GA
TOPOGRAPHIC QUADRANGLE, 1983



TERRELL COUNTY,
GEORGIA



United States Environmental Protection Agency

CIRCLE ENVIRONMENTAL SITES 1 AND 2
DAWSON,
TERRELL COUNTY,
GEORGIA
TDD Nos. TTEM1-05-001-0047 and
TTEM1-05-001-0048

FIGURE 1
SITE LOCATION



Dawson – Business District



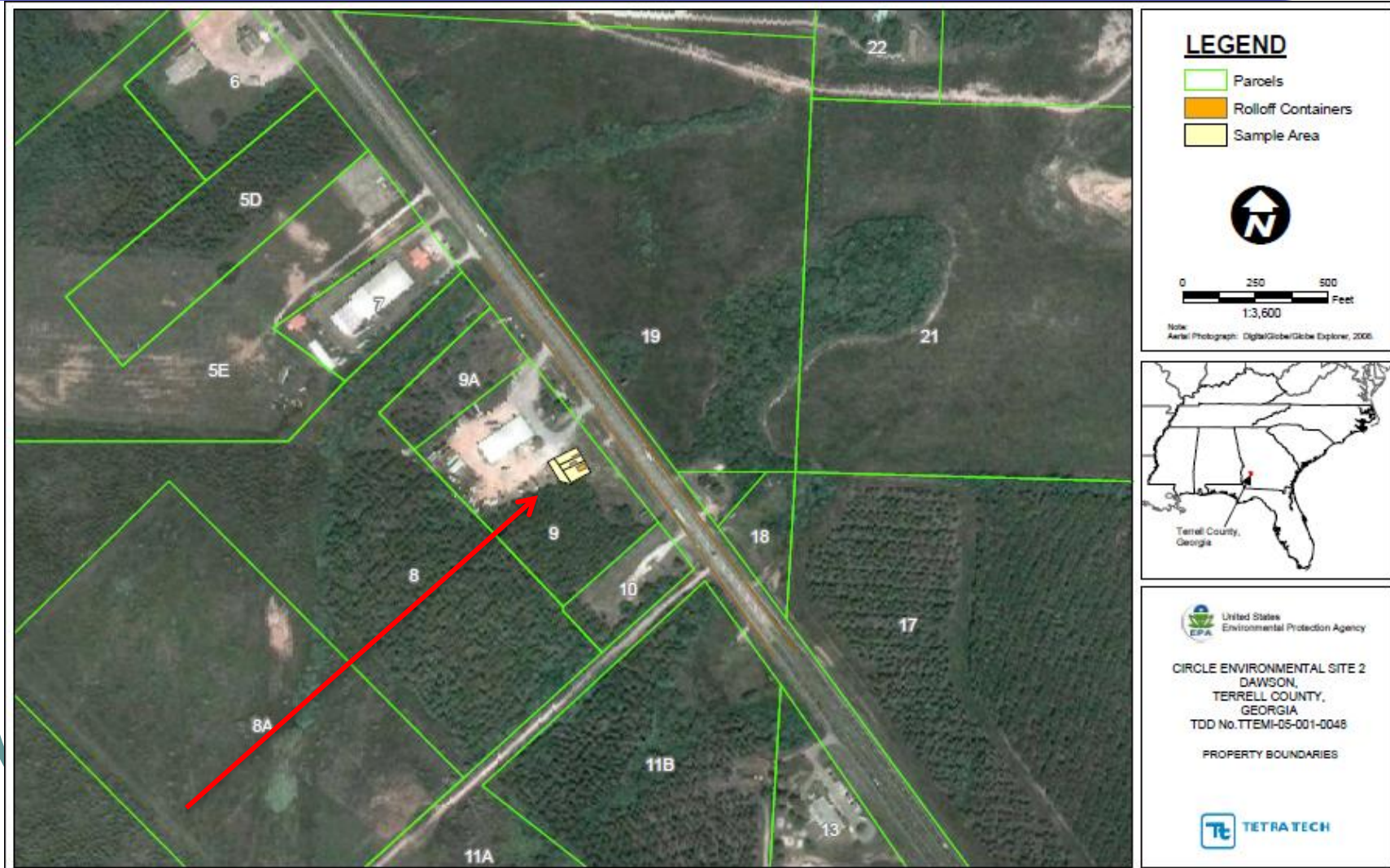
Circle Environmental Site #1



Circle Environmental Site #1



Circle Environmental Site #2





09/11/2007



Owner-Operator History

- **Circle Environmental “Brand”**
 - Started by Richard Middleton – Columbia, SC
 - Specialized in treatment of wipe rags and absorbents saturated with liquid waste from industrial operations
 - e.g., waste oils, solvents, paint waste, coolants...
 - Middleton began to franchise the concept
- **Circle Environmental of Dawson**
 - In 1995 Scott Harpole purchased the first Circle Environmental franchise

Circle Environmental of Dawson

- 1995 – 2001
 - CED operated from Site #1 (170 5th Avenue) under a lease agreement with Walter G. Mercer
 - In 1997 CED switched from a water-based cleaning process to an industrial dry-cleaning system using perchloroethylene (PCE)
- 2001 – May of 2006
 - In 2001 CED moved cleaning operations to 655 Crawford Street and vacated Site # 1
 - Harpole's territory of operations expanded over the years to include (GA, AL, MS, AR, TN, KY)

Harpole's Expanding Territory

- Melvin Coggins' Territory (Eastern KY, TN)
 - Coggins operated from a storage facility in Russellville, KY, from April 2002 – February 2005
 - Coggins did not own dry cleaning machines so he sent absorbents and rags to Harpole.
 - In February 2005, Middleton “repossessed” Coggins' territory and sold it to Harpole shortly thereafter for \$30,000 and cleaning services for a large quantity of drums in Middleton's custody stored in KY and SC.
 - Included among these drums may have been at least 867 drums generated by Middleton's former customer, Eagle Industries

Owner-Operator History

- In February 2005, while still operating at 655 Crawford Street, Harpole entered into a new lease with Mercer for additional storage space at the Site #1 Warehouse.
- In May 2006, Harpole reportedly ceased operations at 655 Crawford Street after experiencing financial distress. Drums continued to be stored at Site #1.
- In February 2007, Harpole reportedly ceased making rental payments to Mercer for the Site #1 Warehouse.
- In June 2007 Harpole contacted Eagle Industries and Richard Middleton requesting their assistance in disposing of the Eagle Industries' drums at Site #1.

Owner-Operator History

- In August 2007, Eagle representatives reportedly identified and removed 826 drums from Site #1.
- In September 2007, Harpole attempted to dispose of the remaining waste at Site #1 by air-drying contaminated materials in roll-off containers.
- Harpole's activities caused heavy solvent odors to emanate throughout downtown Dawson which brought the Sites to the attention of the Dawson Fire Department, and the U.S. EPA.

Emergency Response Action



James Webster, Ph.D.
On-Scene Coordinator
U.S. EPA Region 4

Circle Environmental Site #1



1-131

1-138

1-205

1-204

RAGS

1-043

1-158



1-481

US 104
0364305



**MATERIALS FOR
RECYCLING**
Alcan Composites USA Inc.
208 West 5th Street
Benton, KY 42025

















Circle Environmental Site #2





09/11/2007







2-114



WE-CARE RECYCLING STATION
 PROTECT THE ENVIRONMENT & COST! ADDRESSING RESOURCES EVERYONE
 SHCP TOWELS AND RAGS ONLY

DONOT PUT:

- Flammable Liquids
- Flammable Solids
- Flammable Gases
- Flammable Powders

WORK SAFETY:

- ALWAYS WEAR YOUR SAFETY GOGGLES
- NEVER SMOKE OR DRINK WHILE WORKING
- NEVER USE FLAMMABLE SOLID PLACARD
- ENSURE THE GROUND WIRE IS CONNECTED
- DO NOT OPEN CONTAINER MUST BE KEPT CLOSED AT ALL TIMES
- UNLESS WARE ARE BEING ADDED OR REMOVED

WE RECYCLE

WHEN FULL, CALL FOR PICKUP, EXT. 500

2-113



2-112

GS ONLY

2-065

2-096

2-099



2-297

2-296



ONLY

2-361

WE - CARE RECYCLING STATION

WASTE ELIMINATION & COST AWARENESS REWARDS EVERYONE

SHOP TOWELS AND RAGS ONLY

1.

DO NOT PUT:

- * PAPER
- * CARDBOARD
- * PLASTIC
- * TRASH



We Recycle

2. **THINK SAFETY!**
3. DRUM MUST HAVE A FLAMMABLE SOLID PLACARD
4. ENSURE THE GROUND WIRE IS CONNECTED
5. DRUM OR CONTAINER MUST BE KEPT CLOSED AT ALL TIMES UNLESS RAGS ARE BEING ADDED OR REMOVED

WHEN FULL, CALL FOR PICKUP, EXT. 5490

No 12839

HAZARDOUS WASTE
WHEN FULL CALL EXT. 5490 FOR DRUM PICK UP

NOTE: Drum Must Be Removed To Barrel Pad Within Three (3) Days Or
72 Hours From The Time It Is Full

Description of Contents: *Solvent Resins*

Circle One: IGNITABLE CORROSIVE REACTIVE TOXIC





CIRCLE ENVIRONMENTAL

100 Walker Drive
RUSSELLVILLE, KY 42276

TO:

ALBANY GA PLANT
RAGS FOR
RECYCLING





2-096

2-099

2-098



2
RA

HAZARDOUS WASTE
UNCLE TOM'S SALES CO. 1000 10TH AVE. S.W.
ALBUQUERQUE, N.M. 87102
Tel: 505-263-1234
www.uncletoms.com



2-111

2-110



SAFETY

Some of the Hazardous Substances Identified at the Sites

- Acetone
- 2-Butanone
- Tetrachloroethene
- Toluene
- Trichloroethene
- Xylenes
- Flammable Solids
- 1,4-Dichlorobenzene
- Isophorone
- Di-n-butylphthalate
- Dimethylphthalate
- 4-Methyl-2-pentanone
- Ethylbenzene
- Isopropylbenzene
- Flammable liquids

Enforcement History



Brenita Richardson
Enforcement Project Manager
U.S. EPA Region 4

Enforcement History – Initiation of Action

- EPA first responded to the Sites on September 10, 2007 to evaluate the Sites for removal work
- Notices of Federal Interest were issued to Scott Harpole and Walter Mercer on September 11, 2007. Neither party expressed interest in taking action at the Site(s).
- October 2007 - General Notice Letters issued
 - Recipients: Harpole/Mercer/BSJR/Middleton
 - The Letters requested that the parties notify EPA within 24 hours if they wished to participate in the remainder of the removal work
 - None of the parties expressed interest in participating. Consequently, the removal actions were fund-lead.

Enforcement History - Harpole

- October 29, 2008 - Harpole indicted in U.S. District Court for Middle District of Georgia for violations of the Resource Conservation and Recovery Act (RCRA), including transporting hazardous waste without a manifest. 42 U.S.C. 6928(d)(5).
- April 6, 2009 – Harpole files Chapter 7 Bankruptcy petition in Middle District of Georgia, citing approximately \$1,000,000 in liabilities and less than \$50,000 in assets.

Enforcement History - Harpole

- On July 31, 2009 the bankruptcy court issued its Final Decree and Order discharging Harpole's debt obligations and closing the bankruptcy case.
- On January 28, 2010 the court issued an Order sentencing Harpole to two years probation for transporting hazardous waste without a manifest.

Other Enforcement Activities

- Perfected a CERCLA Lien on Site #1
 - Administrative Lien Hearing
- Information Requests
 - Current Owners and Operators
 - Customers/Arrangers
- Notices of Liability and Demands for Payment
- PRP Search
- Prepared Draft Volumetric Allocation

EPA Response Costs Through May 15, 2012

- Site #1 = \$613,827
- Site #2 = \$167,650
- Total response costs: \$781,477



CERCLA Liability



Marshall Binford
Associate Regional Counsel
U.S. EPA Region 4

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

- CERCLA was passed by Congress in 1980
- Purpose – Create structure for cleaning up contaminated property and responding to releases of hazardous substances
- Requires parties connected with the hazardous substances to pay for the cost of clean up (rather than taxpayers)
- Authorizes EPA to order responsible parties either to clean up contaminated sites or to reimburse costs expended by EPA to clean up contaminated sites



CERCLA Liability

42 U.S.C. §107(a)

Potentially Responsible Parties (PRPs):

- Current Owners and Operators
- Past Owners and Operators
- Transporters
- Arrangers (those who arranged for the disposal or treatment of hazardous substances)



CERCLA Liability

42 U.S.C. §107(a)

Nature of Liability:

- **Strict:** Liable without regard to fault or intention
- **Retroactive:** Liable for past waste disposal activities
- **Joint and Several:** Each PRP can be held responsible for all costs at a site.

If You Disagree . . .

The following arguments should be made in writing:

- Any challenge to your liability determination
- Corrections to volume of waste attributed to your company
- Application to consider your limited ability to pay response costs



What EPA Asks of You

- Sign a settlement agreement promising to pay the costs of EPA's past response action
- Finalize a settlement agreement with EPA no later than July 15, 2012



Settlement Incentives

- Orphan Share Allowance
 - Based on Cost of Removal Work
 - Offered Only Once
- Goodwill in the Community
- Contribution Protection
- Covenant by EPA Not to Sue
- Avoid Cost Recovery Litigation



Guide for Initial PRP Group Meeting

- Are your interests and intentions similar enough to speak with one voice?
- Will this be a formal group?
- What is the best way to communicate with one another?
- Who will be your spokesperson(s)?
- Who will handle the dissemination of information to the group?
- How will you allocate costs?
 - Amount of waste sent
 - Type of waste sent
 - EPA's draft volumetric should be a useful guide



Questions and Answers

