

SPECIAL BULLETIN A
NOTICE OF \$250 k ACTIVATION

WV TIRE DISPOSAL INC. SITE
26 Bryant Branch Rd.
Summersville, WV 26651
Site ID: B3BJ

EVENT: EMERGENCY RESPONSE ACTION

ATTN: R3 RRC, M.TOWLE, D. VENTURA

I. ISSUE

On February 9, 2022, the West Virginia Department of Environmental Protection (WVDEP) requested that EPA assume the lead agency role for response actions necessary as a result of a tire fire which occurred on December 25, 2021, at the West Virginia Tire Disposal, Inc. Site (“Site”) located at 26 Bryant Branch Road, Summersville, Nicholas County, WV. As of 2/16/22, the potentially responsible parties have not taken action to perform response actions necessary to protect the environment. The OSC performed a removal Site Assessment on February 11, 2022. The OSC observed conditions at the Site that indicate the release or potential release of hazardous substances, pollutants, or contaminants. Based on this assessment, the OSC determined a removal action is warranted.

Pursuant to Delegation of Authority 14-2, the OSC is authorizing the expenditure of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) funding in an amount of \$250,000 to begin a removal action to mitigate the release of hazardous substances, pollutants, or contaminants

II. BACKGROUND AND SITUATION (2/16/22)

- A. On December 25, 2021, a tire fire occurred at the WV Tire Disposal, Inc. facility located at 26 Bryant Branch Road in Summersville, Nicholas County, WV. Local volunteer Fire Departments from Nicholas County and nearby Fayette County responded. Representatives from WVDEP Office of Homeland Security and Emergency Response also responded. WVDEP observed oil and carbon had migrated to the stormwater management pond by that evening. WVDEP advised the facility operator that it was necessary for the company to hire a contractor to mitigate the fire and control offsite migration of contamination.
- B. The contractor made an assessment visit to the site on 12/26/21 and began making logistical plans to respond to and manage the fire and control contaminants which had migrated to the stormwater management pond, which outlets to Bryant Branch. The facility operator did not provide adequate financial surety to the contractor for the initial good faith

estimate. On Monday December 27. WVDEP arranged to hire the same contractor originally contacted by the facility operator. The contractor began mobilization to the site on Tuesday December 28, 2021. The contractor was fully engaged in firefighting operations by Wednesday December 29, 2021.

- C. WVDEP and its contractor continued emergency operations through the beginning of February 2022. The contractor successfully extinguished the fire, which occurred in the shredder area of the facility.
- D. The contractor also initiated measures to control oil runoff from the pond. Protective measures were installed in two of the four permitted outfalls (#3 and #4) at the Site. Outfalls #1 and #2 were not affected by the fire. The contractor also installed booms, underflow dams, and carbon filters at various discharge locations on the Site.
- E. WVDEP's contractor also constructed a diversion trench to direct water not affected by the fire away from the pond. A closed cell of approximately 3 million tires is present on the property but was not involved in the fire.
- F. The contractor initiated efforts to control runoff from the pond. This included vacuum and skimming operations. The oily substance was stored in frac tanks on Site.
- G. In January of 2022, WV DEP collected water samples from the outfalls. The results indicated the presence of several hazardous substances including, but not limited to, benzene, phenol, styrene, and 4-methy-2-pentanone (MIBK), all of which are listed hazardous substances in 40 CFR 302.4.
- H. Burning tires can produce volatile, semi-volatile and polycyclic aromatic hydrocarbons in the burning process. The contaminants listed above fall into these categories of hazardous substances.
- I. On 2/9/22, WV DEP contacted EPA to request assistance. Due to the expended resources and the ongoing threat of release of hazardous substances, pollutants, or contaminants, WV DEP requested EPA assume lead agency for the remaining response actions.

III. CURRENT ACTIONS

- A. EPA arrived on scene on 2/10/22. The WV Tire Disposal Inc. facility ("Facility") was permitted by WV DEP to receive tires. However, due to non-compliance violations, the facility was issued an Order on 2/21/20 ordering the company to cease and desist accepting waste tires. On 2/7/22, WV DEP issued another order because of the fire. The initial deadlines of this Order have not been met
- B. The OSC requested and received permission to perform a visual assessment of conditions at the Site, which was performed on 2/12/22. The OSC identified several major areas where response actions are necessary. The OSC observed a heavy oil-like thick sheen on a pond

downgradient from the fire area. Based on review of the WVDEP data and literature on tire fires, this oil likely contains hazardous substances, pollutants, or contaminants. This oily substance will hereinafter be referred as “oil-like” substance. The OSC also observed seepage of the oil-like substance from the staging area where the burned tires and debris were placed. The oil-like substance impacting the environment is not subject to the petroleum exclusion of CERCLA as it is oil commingled with hazardous substances and a waste byproduct of the tire fire.

- C. The OSC reached out to the company owner and requested an onsite visit. The company owner informed the OSC that the property on which the tire fire occurred belongs to another entity.
- D. On 2/12/22, the OSC met on Site with the facility operator. The OSC requested access to perform sampling as part of a removal assessment under 40 CFR 300.410. The facility operator agreed and signed a consent to enter. The OSC asked the facility operator if he was willing to hire a contractor to continue response actions. The facility operator indicated he had someone in mind and would get back to EPA on 2/14/22.
- E. The OSC also contacted a representative for the property owner on this date. The representative agreed to sign an access letter for EPA to continue its removal assessment, including sampling. The representative for the property owner requested split samples.
- F. On 2/12/22, the OSC activated its START contractor to arrive on Site beginning 2/14/22 to perform sampling.
- G. The OSC requested funding from the USCG National Pollution Funds Center in the event any necessary response actions are performed strictly under the OSC’s authority under the Clean Water Act, as amended by the Oil Pollution Act.
- H. On 2/15/22, WVDEP informed EPA that its contractor will be demobilizing from Site on 2/18/22.
- I. On 2/15/22, the OSC sent the facility operator a Notice of Federal Interest under the Oil Pollution Act.
- J. On 2/15/22, the facility operator informed the OSC he had reached out to a contractor who would be on scene 2/16/22.
- K. On 2/16/22, the OSC and WVDEP met on Site with the proposed contractor. The proposed contractor declined to perform the work. Later that day, the OSC and WVDEP spoke by telephone to another proposed contractor. The OSC has not heard from the facility operator regarding a commitment with a contractor to perform the necessary response actions.

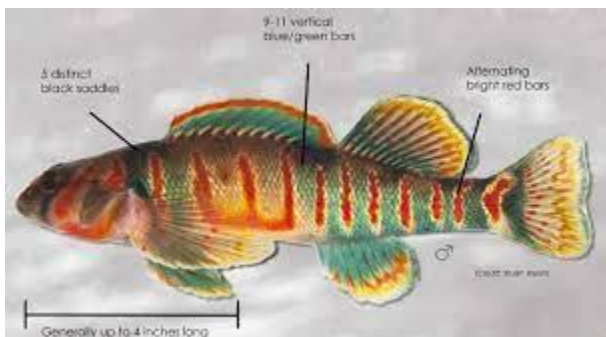
IV. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT

The National Contingency Plan 40 CFR 300.415(b)(2) requires that the lead agency consider several factors in determining the appropriateness of a removal action. The factors below are pertinent to this incident:

(ii) Actual or potential contamination of drinking water supplies or sensitive ecosystems;

Oil-like substance on the pond likely contains hazardous substances, pollutants, or contaminants consistent with tire fire contamination. The WVDEP contractor on scene has maintained control operations to prevent contamination from the pond from overflowing into the environment and nearby Bryant Branch of Peters Creek. However, continuous mitigation efforts are necessary to prevent the hazardous substances, pollutants, or contaminants from impacting the environment.

Bryant Branch is located on or very near to the Site boundaries and enters Peters Creek. Peters Creek enters the Gauley River approximately 16.9 miles downstream. US Fish & Wildlife Services has informed the OSC that Bryant Branch is home to environmentally sensitive populations including several species of mussels and the candy darter fish. The candy darter fish is threatened under the Endangered Species Act. The candy darter requires a rocky bottom with little sediment. The oil-like material in the pond contains heavy sediments and would likely be harmful to other environmentally sensitive populations.



Candy Darter (Source: NPS)

Immediate response actions are needed to prevent oil-like substances from impacting surface waters.

(iv) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate;

An oil-like substance covers the pond. This oil-like substance is emanating from tire debris and runoff, which flowed to the pond following the fire and is situated on or near the surface. The shoreline of the pond is heavily contaminated. The waste tire pile continues to seep toward the pond.



2 Seepage from the waste tire pile

WV DEP's contractor has already removed over 13,000 gallons of oily waste. The waste oil-like substance sticks to the equipment and to the storage containers and the surrounding environment. Without mitigation controls, this substance will likely migrate to other areas of the environment.

(v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Adverse weather will contribute to the release of hazardous substances, pollutants, or contaminants from the waste tire pile. The waste tire pile is located upgradient from the pond. Constant monitoring and removal of oil-like material from the pond is required to prevent overflow of hazardous substances, pollutants, or contaminants into the environment.

(vii) The availability of other appropriate federal or state response mechanisms to respond to the release;

WV DEP has requested that EPA take over response actions at the Site. WV DEP has expended its resources available for removal actions. The potential responsible parties have not presented a plan of action to transition the necessary response actions.

V. OSC ENDANGERMENT DETERMINATION

Based on an onsite assessment performed by the OSC, the OSC concluded that conditions at the Site pose an imminent and substantial threat to public health, welfare, or the environment due to the presence of hazardous substances, pollutants, or contaminants. Immediate actions are necessary to mitigate this threat.

Under Delegation of Authority 14-2 of CERCLA, the OSC is initiating a removal action and is initiating funds of \$250,0000 to begin response actions to mitigate the threat posed by the presence of hazardous substances, pollutants, or contaminants. This removal action is consistent with the requirements of the National Contingency Plan

VI. PLANNED RESPONSE ACTIONS AND ESTIMATED COSTS

A. PROPOSED ACTIONS:

Based on the OSC's assessment, the following actions are necessary to mitigate the imminent and substantial threat posed by the uncontrolled release of hazardous substances, pollutants, or contaminants:

1. Mitigate potential discharge of an oil-like substance containing hazardous substances, pollutants, or contaminants from areas including, but not limited to pond, outfalls, surface drainage areas, retention areas, or any other areas where the oil-like substance, as described above, is being released to the environment;
2. Remove and contain the oil-like substance containing hazardous substances, pollutants, or contaminants from pond, shoreline, retention areas or other areas contaminated with such substances;
3. Dispose of off-site oil-like substance and debris containing hazardous substances, pollutants, or contaminants;
4. Pump pond liquids into containment for the purpose of reducing volume to prevent overflow from the pond;
5. Excavate waste tire debris from the pond followed by staging, containment, and off-site disposal;
6. Control runoff from burned tire pile area;
7. Provide logistical support items on the property including, but not limited to, command post trailer(s), portable toilets, rehab areas, etc.
8. Provide site security as needed to prevent unauthorized access to work areas.

VII. ESTIMATED COSTS:

Extramural Costs:	\$250,000
Total Project Ceiling:	\$250,000

VIII. CONTRIBUTION TO REMEDIAL PERFORMANCE

The Site is not on the National Priorities List. All actions will be consistent with any future remedial actions, if necessary.

IX. COMPLIANCE WITH ARARS

The removal action will comply with all Applicable or Relevant and Appropriate Requirements (ARARs), to the extent practicable, considering the exigencies of the situation. The OSC will coordinate with WVDEP to address any State ARARs identified during the removal action. All response actions performed by EPA will not be inconsistent with the requirements identified in the WVDEP Orders issued for this Site.

X. EXPECTED CHANGE IN THE SITUATION SHOULD NO ACTION BE TAKEN OR THE SITUATION BE DELAYED

If the action is not taken or delayed, an uncontrolled release of hazardous substances, pollutants, or contaminants, will likely occur and the area of contamination will be expanded.

XI. OUTSTANDING POLICY ISSUES

There are no known outstanding policy issues for this Site.

XII. ENFORCEMENT

The OSC is coordinating with EPA's Cost Recovery Section to assist with potential enforcement actions.

XIII. ADMINISTRATIVE RECORD

The following documents were used to make the determination above and constitute the Administrative Record for the Site in accordance with 40 CFR 300.810.

1. WV Order MM-20-19
2. WV Order MM-22-001
3. Email from USFW regarding sensitive populations
4. WVDEP analytical results
5. POLREP #1
6. Photos
7. Literature regarding tire fires

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