

State of Oregon  
Department of Environmental Quality

Memorandum

Date: October 10, 1994

To: Wagstaff Battery Manufacturing File  
2124 N. Williams Avenue, Portland, OR 97227

From: <sup>RV</sup>  
Rick Volpel, NWR

Subject: Hazardous Waste Compliance Inspection Report

**I. Introduction**

On September 9, 1994, a hazardous waste inspection was conducted at the Wagstaff Battery Manufacturing Company located at 2124 N. Williams Avenue, Portland, OR. The purpose of the inspection was to determine the facility's compliance status with the Department's hazardous waste management regulations. Site inspection participants included facility representative Bruce Hindman, President of Wagstaff Battery. Department representatives included Rick Volpel, Environmental Specialist, Northwest Region.

No special safety equipment was required and samples were taken.

**II. Pre-inspection Activity**

To prepare for the inspection, a review of Department's Environmental Cleanup files was conducted prior to the facility visit. The facility has not notified as a hazardous waste generator. Prior to the site visit, the following Northwest Region files were reviewed:

Air Quality

The facility had an Air Contaminant Discharge Permit (Special Letter Permit) for their battery manufacturing operation. An ACDP was drafted, but never issued in 1988. In 1992 the facility was dropped from the Air Quality inspection list.

Environmental Clean-up (See Attachment 1 for related letters and memos)

A visit was made to the facility during a complaint investigation on April 23, 1993. The complaint alleged that wastewater containing cadmium, lead and arsenic was being disposed of into a drywell. The facility had ceased their discharge to the drywell in 1991 when battery manufacturing ended. The investigation revealed no hazardous waste violations. At the time of the visit, the facility was undergoing a level I and II preliminary assessment. The investigation revealed the potential for lead contamination of the site and the facility was referred to the Department's Environmental Cleanup Site Information (ECSI) database for future action.

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Wagstaff was sent an Environmental Cleanup Division (ECD) "Options Letter" on September 2, 1992, discussing possible options for the facility to follow in order to assess the environmental status of the site and perform any cleanup based on the environmental assessment.

Mr. Hindman sent a letter, dated September 2, 1993, to the Department, requesting agency oversight in conduction of a preliminary assessment .

On February 1st and 4th, 1994, the Department received complaints regarding a waste pile located in the back of the facility. Subsequent investigation of the site revealed that Wagstaff had excavated soil from a drywell used to dispose of wastewater containing lead oxide. Data received by the Department shows that one sample taken from the waste pile has a value of 60 mg/l lead using the Toxicity Characteristic Leaching Procedure (TCLP), indicating that the waste pile is likely to be a hazardous waste. Northwest Region's Voluntary Cleanup Section (VCS) has been unsuccessful in encouraging Mr. Hindman to participate in their program to assist with site cleanup oversight in order to cleanup the site.

On February 9, 1994, the Department sent a letter to Mr. Hindman informing him that it believes that the waste pile at the facility is a hazardous waste and requested that Wagstaff immediately place any waste exceeding the hazardous waste constituent level for lead of 5 ppm TCLP in containers and begin managing the material as hazardous waste. The letter stated that if the Department did not receive a schedule from Wagstaff discussing actions they intended to take to resolve the problem, that a hazardous waste investigation would be conducted that could lead to the assessment of civil penalties. The Department did not receive a response from Wagstaff as requested. On June 13, 1994, the decision was made to transfer the case from VCS to the Region's hazardous waste section for future action.

#### Other Files

There were no Hazardous Waste or water quality files found for the facility in the regional office files. A review of the region complaint log revealed seven complaints from 1989 to 1994. Early complaints (four) were related to air pollution concerns, three more recent complaints involved the drywell or related waste pile.

### **III. Facility Information**

The Wagstaff facility has been at this location for approximately 30 years. Prior to June, 1991, the facility manufactured industrial batteries. Currently, the facility services industrial batteries and is used as a collection point for used batteries prior to scrapping. No batteries

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are broken up on-site.

During the period that batteries were manufactured at the site, the facility operated a sump for the settling of lead oxide from wastewater (approximately 200-300 gallons per day). Settled lead oxide was removed from the sump for recycling, wastewater was disposed of into a drywell. The drywell was excavated to remove contamination sometime during the spring of 1993. Soil from the drywell excavation was stockpiled at the site and covered with plastic.

The Department has received information that the stockpiled soil from the drywell excavation may exceed the hazardous waste characteristic for lead (5 ppm TCLP). Preliminary data indicates that the soil may exhibit TCLP lead levels in the range of 39-60 ppm.

#### IV. Pre-inspection Discussion

I met with Mr. Bruce Hindman to discuss the Department's concern with the soil stockpiled on-site. I reviewed a February 9, 1994, letter addressed to Wagstaff from NW Region Hazardous Waste Supervisor Chuck Clinton requesting that Wagstaff deal with the soil pile as soon as possible (see Attachment 1). The letter to Wagstaff stated that hazardous waste must meet specific requirements for storage and requested that the pile be properly managed if it was indeed hazardous waste.

Mr. Hindman said that he was attempting to respond to the Department's request by examining his options for resolving this issue. He said that he had been in contact with numerous firms regarding the treatment or disposal of the waste, but was discouraged by the potential management cost. Two bids were presented to me indicating the potential cost for the management of the soil (see Attachment 2). Mr. Hindman said that at this time he was considering on-site treatment of the soil and placing the soil back into the drywell excavation. I commented that I did not know if this was a feasible option and suggested that he contact the Department's environmental cleanup staff to explore this option.

I emphasized to Mr. Hindman that any waste determined to be a hazardous waste is required to be managed in a manner prescribed in 40 CFR 262.34 or his facility would be considered to be a hazardous waste storage facility subject to significant regulation. I explained that it was the Department's intent to have Wagstaff remove the contaminated soil for off-site management as soon as possible. Mr. Hindman replied that he was working on managing the material in a manner agreeable to the Department and needed more time to comply with the Department's wishes.

## V. Site Inspection

The Wagstaff facility was only inspected for the purpose of determining the status of the soil stockpiled on-site. Because the plant had ceased manufacturing batteries several years ago, the battery storage and service areas were not inspected.

The waste pile is located behind the facility building (see site diagram, Attachment 3). The waste pile was approximately eight feet high and 25 feet in diameter. The volume of the pile is approximately 75 cubic yards based on the amount of soil excavated. The pile was partially covered with black plastic held down with empty 55 gallon drums. The top third of the pile was not covered with plastic apparently because the plastic had blown off of the pile (see photos #1-3). Next to the waste pile was the hole where the soil was excavated from (see photo #4). Mr Hindman stated that he was unaware that the soil pile was partially uncovered and would ensure the pile was covered after my visit. A composite sample was taken from the pile for Department analysis (see diagram, Attachment 5).

Next to the waste pile was a smaller soil pile that was covered with weeds. According to Mr. Hindman, the smaller pile was clean soil excavated from the old drywell. A sample was taken from the pile for Department analysis.

Beyond the smaller soil pile, next to the fence were approximately eighteen 55 gallon metal drums that were partially covered with plastic. According to Mr. Hindman, the drums contained waste lead oxide that would be recycled (see Photo 5). The drums appeared to have been there for over a year. Mr. Hindman admitted that they had been there awhile and that he need to send them off for recycling. He claimed that the material was worth \$0.09 per pound if going for recycling.

## VI. Closing Conference

A closing conference was held with Mr. Hindman. I explained the importance of proper management of the soil pile and stressed that if it was determined to be a hazardous waste, it must be properly managed. I requested that he consider immediately placing the soil in the pile into containers or tanks and arrange for disposal. He stated that he is interested in treating the soil on-site for placement back into the excavation. I emphasized the need to discuss any remedial action with the Department Environmental Cleanup staff before considering this option. I thanked Mr. Hindman for being very cooperative during my visit.

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## VII. Department Sampling Results

Sample results received from the Department's laboratory on October 5, 1994, indicate that the soil excavated from the drywell area exhibits the hazardous waste toxicity characteristic for lead (see Attachment 6). Composite sample results for the soil removed from the drywell revealed a Toxicity Characteristic Leaching Procedure (TCLP) value of 160 mg/l, well in excess of the 5 mg/l level that would indicate the waste was a hazardous waste. Total lead concentrations of the composite sample revealed values of approximately 48,000 mg/kg.

Results from a soil sample taken from the smaller "clean soil" pile initially indicates that the pile has TCLP levels less than the hazardous waste regulatory limit. Soil sampled from this pile had a TCLP lead level of 1.2 mg/l. Additional sampling may be necessary to confirm that this pile is indeed below the regulatory limit for hazardous waste of 5 mg/l.

### Attachments:

Attachment 1	ECD reports and memos
Attachment 2	Department letter dated 2/9/94
Attachment 3	Site map
Attachment 4	Photo Log
Attachment 5	Soil Sample Locations
Attachment 6	Soil Sample Results

Attachment 1 ECD Reports and Memos

FROM: ROSEN Mike

\*DEQ

I BISPHAM Tom  
CLINTON Chuck  
StLOUIS Dave

\*DEQ  
\*DEQ  
\*DEQ

DATE: 06-13-94  
TIME: 06:36

CC: ROSEN Mike  
WISTAR Gil

\*DEQ  
\*DEQ

SUBJECT: Wagstaff Battery  
PRIORITY:  
ATTACHMENTS:

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Tom:

More than several weeks ago I visited Bruce Hindman at Wagstaff Battery. I provided him with information on VCP and let him know that if he didn't sign up NWR would take the enforcement route through RCRA. The facility has a pile of RCRA characteristic waste soil in the back yard, adjacent to a residential home. Hindman said he planned on signing up, I had about three followup phone calls with him. Well I've received nothing from Hindman and last week Gil got an angry phone call from one of the neighbors (I believe he's across the street or two houses down -- I spoke with the adjacent neighbor when I visited and he wasn't too upset since the pile was well covered).

So it seems to be time for Chuck to take over. I will call the neighbor this morning and let him know the site's in Chuck's shop and I will give him k's number. I'll check in with Chuck this morning before I call.

Please let me know if you have any questions.

Mike R.  
  
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