Message

From: Richards, Robert [Richards.Robert@epa.gov]
Sent: 6/9/2014 8:02:23 PM
To: Vann, Bradley [Vann.Bradley@epa.gov]
Subject: Vogel Paint and Wax Fourth Five-Year Review

Looks like you got it all. One change, and a typo, in red. Then it's OK by me.

--Bob

General Comments:

1) Based on technical team and Region Office of Counsel review fundamental changes are necessary in the draft FYR for it to be acceptable for EPA to issue. The primary objections are that the draft proposes adjusting the point of compliance beyond the property boundary of the Vogel property, and conditions a potential restart of the groundwater treatment system on the words "if able". From reading the history of the site, the treatment system was shut down in 2004 and an attempt to control the plume by phytoremediation and natural attenuation was pursued. Since then the contamination plume has expanded to the adjacent property, where previously it was being controlled. Based on recent groundwater concentration increases in off source property wells, the 2004 change in approach appears to have failed in controlling the contaminant plume. If concentrations persist, the effective technology of the pump and treat system should be restored by either restarting or reconstructing the exsitu treatment system.

2) The point of compliance shall not be moved. What the draft FYR essentially proposes is a technical impracticability waiver, and the EPA does not see site conditions to support that, notwithstanding that a formal TI waiver and the process to get that have not been pursued.

3) The draft document needs to delete all references to a recommendation of adjusting the point of compliance, and change references to the treatment plant to "restart or reconstruct the groundwater treatment plant" and delete the condition "if able."

4) The document needs to emphasize getting an Iowa UECA as the institutional control, on both the Vogel property and the adjacent property.

Specific Comments:

CNSL and RPM Comments

1) Executive Summary - Last Paragraph, second bullet, Revise as follows: "The remedial action objective for groundwater needs to be met by the remedy. Determine if an ESD is needed to address the use of phytoremediation at the site, otherwise restart the existing groundwater treatment plant."

2) Executive Summary - Last Paragraph, third bullet, Revise as follows: "Ensure the property deed reflects the status of the site on the Iowa State Registry for Hazardous Waste or Hazardous Substance Disposal Sites and that land use controls are recorded consistent with Iowa's Uniform Environmental Covenants Act."

Note to indicate somewhere in the report: The IDNR did recently indicate that the existing deed on file reflects the fact that Vogel is a State Registry Hazardous Waste Disposal site. However, the copy on file did not have the recorder's stamp. Vogel will need to confirm with IDNR's legal staff to ensure that the "Intent to List" notification was in fact recorded.

3) Five-Year Review Summary Form, Issues/Recommendations, Issue Category: Remedy Performance, Recommendation: Revise as follows: "The site remedy needs to meet the remedial action objection objectives. This may be accomplished through restarting or reconstructing the existing groundwater treatment plant if the plume does not stabilize under the current phytoremediation and monitored natural attenuation efforts. Amending the decision document to reflect the current phytoremediation approach as a component of the remedy is acceptable if monitoring establishes that it can meet the existing remedial action objectives."

4) Five-Year Review Summary Form, Issues/Recommendations, Issue Category: Institutional Controls, Issue: Revise as follows: "Property deed does not reflect the status of the site on the Iowa State Registry for Hazardous Waste or Hazardous Substance Disposal Sites and needs to documented in accordance with Iowa's Uniform Environmental Covenants Act."

5) Five-Year Review Summary Form, Sitewide Protectiveness Statement, Second bullet: Revise as follows: "The groundwater remedial action objective needs to be met by the remedy. Determine if an ESD is needed to address the use of phytoremediation at the site if meeting RAOs, otherwise restart or reconstruct the existing groundwater treatment plant. Third bullet: Add at end of sentence: .and in accordance with Iowa's Uniform Environmental Covenants Act."

6) Page 8, Section 4.2, first paragraph, last sentence: Revise the last sentence to read: "The site currently relies on phytoremediation and natural attenuation to remediate groundwater contamination and prevent off-site migration of contaminated groundwater."

7) Page 8, Section 4.2, first paragraph, last sentence: Include ".in accordance with Iowa's UECA."

8) Page 13, Section 5.0, Issue 7, Second to last and last sentences: Revise as follows: Until such time that concentration trends begin to decrease or it can be shown the plume will not expand or migrate an unacceptable distance away from the site, natural attenuation should not be considered as a primary component of a groundwater remedy. Persistence of off-site contaminant migration will require reconstruction and/or restarting the groundwater treatment system, which previously had groundwater contamination under control. Finally, the long term effectiveness of phytoremediation should continue to be evaluated but at this time the data does not support its effectiveness as a replacement for exsitu air stripping.

9) Page 21, Section 6.6 Interview, Second Sentence: Revise as follows: "The IDNR personnel made comments regarding recommendation of the site which included an interest in having the groundwater treatment plant removed if it is unable to be operated or no longer required."

10) Page 23, Section 7.0, System Operations and Maintenance, third sentence: Revise as follows: The response actions as currently implemented are not effective because the RAO to prevent off-site migration of contaminated groundwater is not being met, which warrants consideration for restarting or reconstructing the exsitu treatment system if these conditions persist.

11) Page 30, Section 9.0, Recommendation and Follow-Up Actions, Issue #1: Revise as follows: Determine if an ESD is needed to address the use of phytoremediation at the site if meeting RAOs, otherwise restart or reconstruct the existing groundwater treatment plant.

12) Page 30, Section 9.0, Recommendation and Follow-Up Actions, Issue #4: Per earlier comments, include Iowa UECA citation.

13) Page 31, Section 10.0, Protectiveness Statement, Second bullet: Revise as follows: The groundwater remedial action objective needs to be met by the remedy. Determine if an ESD is needed to address the use of phytoremediation at the site assuming remedial effectiveness. If not, restart or reconstruct the exsitu treatment system as it was effective at controlling groundwater migration.

14) Page 31, Section 10.0, Protectiveness Statement, third bullet: Include reference to Iowa's UECA.

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