UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105

October 5, 2011

MEMORANDUM

SUBJECT: Review for TSCA compliance of Riverside Agricultural Park, Riverside, California DTSC-led Brownfields Cleanup of PCB Contamination

FROM: Steve Tyahla (WST-5) ST

TO: File

VIA: Steve Armann (WST-5)

On 12 August 2011 I was asked to review, for TSCA regulation compliance, the Brownfield cleanup program at the Riverside Agricultural Park being overseen by the Cal EPA's Department of Toxic Substances Control (DTSC). The primary contaminants at the site are PCBs and the media of concern is soil. The site was brought to EPA's attention on 10 August 2011 by Thomas M. Cota, Branch Chief Schools Site Evaluation and Brownfield Cleanup Branch Brownfields and Environmental Restoration Program, DTSC who believed the responsible party might have made a PCB notification to EPA Region 9 in 2006, but was uncertain. Documents and other information on the site can be found at DTSC's Envirostor website: http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=33490087 . I also spoke with DTSC's site project manager, Ms. Maryam Tasnif-Abbas as part of my review.

Soon after receiving this assignment, I contacted Max Weintraub, currently with EPA Region 9 Communities and Ecosystems Division (CED), but formerly with the Region 9 office that would have overseen PCB cleanups prior to the Waste Management Division having that role. From my conversation with Max and my own search of our RCRA/TSCA records center, I found no evidence indicating that a notification was ever made to EPA Region 9 for cleanup of the site. This led to my assessment of the potential exemption from notification and other PCB cleanup regulations based on the site's age and history.

While I reviewed all the documents available on the Envirostor website, the following were the most relevant to this TSCA compliance assessment:

1. Voluntary Cleanup Agreement of 28 April 2005 between DTSC and the City of Riverside (project proponent/property owner).
2. 12 May 2006 Amendment to the VCA.
3. 16 May 2006 California Land Reuse and Revitalization Act of 2004 (CLRRA) Agreement between DTSC and the "Friends of the Riverside Airport LLC (FRA)," the land developer (and property owner as of 1 May 2006).
4. 4 August 2006 DTSC CEQA Notice of Determination (which gives DTSC's approval for the

cleanup project in consideration of the Mitigated Negative Declaration they had prepared).

5. June 2010 "Phase 1 Response Plan Implementation Report, Former Agricultural Park, 7020 Crest Ave., Riverside, CA"

Review of these documents informed me of these key facts:

- The site is approximately 62 acres in size and located at 7020 Crest Ave., Riverside, CA 92503 (east of the intersection of Crest and Jurupa Avenues)
- Ownership: The U.S. Army developed the site in 1942 as a sewage treatment plant for Camp Anza; the City of Riverside owned the site from 1962- 1 May 2006; and the current owner is the "Friends of the Riverside Airport LLC" (FRA). [Unclear from documents if there were other owners.]
- Historical site use: 1942 (first developed) through 1965 sewage treatment plant (STP); early 1970s water-softening brine storage by city in two basins; livestock shows; and bicycle motocross. None of the uses after decommissioning of the STP in 1965 would indicate the possibility of causing a release of PCBs into the environment.
- The likely source of PCB soil contamination was from the spreading/disposal on site of sewage treatment plant sludges; no other sources "fit" with the nature and extent of contamination.
- The DTSC overseen Brownfields cleanup is aimed at FRA redeveloping the property for single family housing. The first phase of cleanup (removal of soil with PCB concentrations > 50 ppm) has been completed. The plan for the second phase is to remove remaining soil containing PCBs > 0.22 ppm, the EPA's Regional Screening Level for unrestricted residential use.
- PCB-contaminated soil from Phase 1 was disposed of at the properly permitted Chemical Waste Management, Inc. facility in Kettlemen Hills, CA (8,666 tons).

In conversations with Ms. Tasnif-Abbas, I confirmed the site history and requested a search of DTSC's files for any potential prior notification by the responsible part to EPA Region 9-none was found.

FINDING: Based on my review, I believe the site was impacted by pre-April 18, 1978 release(s) of PCBs that most likely were contained in sewage treatment plant sludges disposed on site. Under 40 C.F.R. §761.50(b)(3)(i)(A) there is a presumption that such wastes do not "...present an unreasonable risk of injury to health or the environment from exposure to PCBs." However, this same section allows EPA to require additional investigation and possibly remediation if it deems there is a continuing release that may present an unreasonable risk of injury to health or the environment from PCB exposure. The site has been well characterized and remediation plans being overseen by DTSC are to complete cleanup to a level protective for unrestricted/residential use (0.22 mg/kg PCB cleanup level). As long as this cleanup is completed as planned, or as otherwise approved by DTSC in accordance with their 16 May 2006 CLRRA Agreement with FRA, PCBs at the site do not present an unreasonable risk, thus EPA is not compelled to require further action. Following from this finding, since the release was pre-April 18, 1978, the responsible party is exempt from the TSCA notification and cleanup requirements contained in 40 C.F.R. §761.61 per 40 C.F.R. §761.50(b)(3)(i)(B). However, and as I pointed out to Ms. Tasnif-Abbas, also per 761.50(b)(3)(i)(B), it is still required that PCB remediation waste be disposed properly—i.e., in accordance with 40 C.F.R. §761.61. The disposal from the Phase 1 work was compliant.