UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL
CLEANUP

May 23, 2012

Sheila Monroe
Eastern Regional Manager – Cleanup Programs
Oregon Department of Environmental Quality
400 E. Scenic Drive, Suite 307
The Dalles, Oregon 97058

Re: U.S. Environmental Protection Agency, Region 10 Comments on and Objection to, the Oregon Department of Environmental Quality Proposed No Further Action Determination for Northwest Aluminum Company, the Dalles, Oregon

Dear Ms. Monroe:

The EPA has had an opportunity to review ODEQ's proposed No Further Action determination for work conducted by NAC to remediate contaminated soils at NAC's former plant located in the City of Dalles, Oregon. The EPA reviewed the *Final Report Remedial Investigation, Risk Assessment, and Remedial Action Report Northwest Aluminum Company,* March 2012, prepared for AterWynne, LLP by CH2M HILL, and the *Staff Report Recommended No Further Action for Northwest Aluminum Company, The Dalles, Oregon, ECSI # 4793,* May 2012, prepared by ODEQ, Eastern Region. Based on the EPA's review of these documents, the EPA objects to the ODEQ proposed NFA determination for NAC.

The former NAC plant and NAC property is part of a site that was listed on the National Priorities List as a priority site for remedial evaluation and response under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 to 9675. Although the site was delisted, the site remains subject to CERCLA. Work conducted at the site, notwithstanding the delisted status, must still meet the performance standards and cleanup levels established in the Record of Decision for the site. Because the remedial action for the site resulted in hazardous substances, pollutants, contaminants remaining on the site, CERCLA requires a review of the site no less than every five years. Section 121(c) of CERCLA, 42 U.S.C. § 9621(c). The site is also subject to a federal judicial consent decree to which the State of Oregon is a party. The CD cannot be modified except by written approval of all parties. The federal party to the CD is the United States of America and to date the USA has never provided written approval for any change to the CD. The CD requires compliance with the ROD and the Scope of Work for the remedial action.

After reviewing the voluntary cleanup work conducted by NAC at the site under ODEQ's supervision, the EPA objects to the proposed NFA based on the following comments:

1. The screening levels used for work conducted by NAC for soils and groundwater appear to be less stringent than the levels required by the CD and ROD for the site.
2. The screening level selected for fluoride, 72 mg/L, exceeds the ACL[1] of 9.7 mg/L and exceeds the MCL of 4mg/L (2 mg/L) federal standard and the 1.4–2.4 mg/L state MCL. The screening

[1] Although the EPA selected an ACL for the "S" aquifer at the time the ROD was finalized, the EPA's guidance now directs the EPA to use the MCL rather than ACL. The EPA commented on this change in the 3rd Five Year

level for sulfate, 3,200 mg/L, is set at the ACL but, see footnote, the EPA expects this level to be revised as an action following the completion of the 4th Five Year Review.

3. Although the conclusions made concerning the "S" aquifer regarding the aquifer serving as recharge to the A and B drinking water aquifers mirror the conclusion in the ROD, the documents supporting the NFA seem to indicate that restriction of the aquifer is not needed because future installation of groundwater wells on site is not likely to occur. Restrictions are mandated by the CD and the ROD and must be maintained.
4. Several areas of work conducted by NAC need further clarification before the EPA can evaluate whether work conducted is protective and consistent with the ROD and Consent Decree:
    a. How was the concrete from NAC characterized as "clean fill" and where was the concrete placed?
    b. The March 2012 CH2M HILL document refers to soil removal and capping conducted in numerous areas. Clarify all areas where soil was removed and capped, the contamination levels in the material removed and soils remaining on site, the design of the caps, and the controls that will be needed to maintain the caps. Caps used in these areas need to be consistent with soil caps constructed as part of the ROD and must be maintained consistent with the operations and maintenance (O&M) Plan for the site. If soil caps were not constructed to meet these parameters, additional work may be needed to ensure consistency with the ROD and O&M Plan.
    c. The ROD prohibited disturbance of asbestos disposal areas. Clarify if any asbestos disposal areas were disturbed and provide additional information on activities conducted on asbestos disposal areas, if any.
    d. Provide a clarification on work done on small portions of the scrubber sludge ponds that "extended onto property owned by NAC" and include information on the title to the real property.
    e. The following "features of interest" on and at which NAC appears to have conducted work seem to include multiple areas addressed by the CD and ROD and 1994 explanation of significant differences (ESD) to the ROD. Any work conducted in these areas may require an additional ESD or ROD amendment. Clarify the work locations and summarize the work conducted for the following FOIs – D (old cathode waste pile area), H (salvage area), I (part of salvage area and wash), J (cathode waste area), W (landfill runoff areas), X (former scrubber sludge pond), R (unloading area), U (recycle pond aka storm water surge pond), Y (discharge channel), and S (lined pond).
    f. "Hot spots" identified in section 8 of the March 2012 CH2M HILL document include FOIs R, J, E, F, G, C, A, and Y, each of which appears to have been an area included in the ROD. Additional work in these areas may require an additional ESD or ROD amendment. For these 'hotspots', please clarify the risk levels and scenarios and explain how these compare to the CERCLA numbers for the site, the contaminants of concern addressed and explain if the list matches the COCs in the ROD.
    g. The statement on page 5-2 of the March 2012 CH2M HILL document states that the former cathode area was not the subject of CERCLA remedial action and continued to be used after the CERCLA completion document of 1996. Page 42 of the ROD shows specific action taken at the former cathode area to remove the material and place it in the CERCLA landfill. Clarify the statement on page 5-2 and the area addressed and explain

---

Review of the site and expects to recommend the change be made in the form of an Explanation of Significant Differences as one of the actions needed following the completion of the 4th Five Year Review of the site.

the action taken. Continued use of this area was not anticipated by the ROD and this work may require either an ESD or a ROD amendment.

5. The conclusion on page 9-15 of the March 2012 CH2M HILL document that "no risk is associated with the groundwater pathway" and the exclusion of the groundwater pathway from the final Human Health Risk Assessment (HHRA), is insupportable. The "no risk" finding must be based on the CERCLA remedy and institutional controls that are supposed to be in place as part of that remedy. There is risk, as identified in the ROD, which is addressed by the ICs. The ICs must be in place for the entire site and constitute an action. The groundwater monitoring network must also remain in place. If the groundwater monitoring network has been disturbed, removed or partially removed, replacement of the network is necessary.
6. The ecological exposure pathway in the March 2012 CH2M HILL document concludes that only one pathway was complete. This conclusion does not seem supportable in light of the herd of deer observed on site earlier this year and evidence that other animals inhabit the site. Explain why the stormwater pathway is not deemed complete for ecological.
7. Waste has been left in place at NAC and controls to maintain and restrict access to capped areas are necessary. At a minimum, ICs are essential for the site. ICs are an action. Consequently, a NFA determination is inappropriate for the site. The nomenclature suggests that there are no restrictions on property use and that waste has not been left onsite. Because property use will be restricted and waste has been left onsite, action as the EPA defines that term is ongoing and will remain ongoing as long as waste remains onsite.

The EPA appreciates the desire to move towards redevelopment of sites when appropriate. At this time, however, the EPA cannot determine whether redevelopment is appropriate at this site based on the work conducted by NAC. Consequently, without additional information on the actions taken at each specific location, contaminant concentrations remaining in site soils (e.g., fluoride), and other information needs identified above, the EPA objects to a NFA determination for the site at this time. Should the EPA's concerns be addressed in the future for the site, the EPA would theoretically be in a position to support redevelopment of the site provided such redevelopment is protective of both human health and the environment.

If you would like to discuss this further, please contact me at 206-553-7216 or Harry Craig of my staff at 503-326-3689. Legal questions should be directed to the site attorney, Mary S. Queitzsch at 206-553-0145.

Sincerely,

Deb Yamamoto

Deb Yamamoto, Manager
Unit Manager
Remedial Cleanup Program
Superfund Site Cleanup Unit 2

cc: Mary S. Queitzsch, EPA
Harry Craig, EPA
Bob Schwarz, Oregon DEQ
Gary Vrooman, Oregon DOJ