

Libby, I noted in the *Putah Creek News* Fall 2011 “LEHR Update” section that D. Cooper of the US EPA Region 9 has assumed oversight for the community participation of the clean-up of the UC Davis LEHR Superfund site. As the former TAG advisor to the Davis South Campus Superfund Oversight Committee (DSCSOC) I wish to bring to the attention of Putah Creek Council Newsletter readers some background information on this situation.

For 15 years Julie Roth served as the Executive Director of DSCSOC, the recipient of the US EPA Technical Assistance Grant (TAG) for the LEHR site. As the TAG technical advisor to DSCSOC, I developed a series of reports on the adequacy of the LEHR site investigation and remediation which are available on the DSCSOC website, <http://www.gfredlee.com/DSCSOC/DSCSOC.htm>. In the winter of 2010 J. Roth found that D. Cooper/US EPA Region 9 had established new conditions for renewal of the TAG that were impossible to meet. As a result, after repeated unsuccessful attempts to renew the TAG in a manner that had been followed in the past, she terminated her efforts to continue the DSCSOC TAG activities. In May 2010, she and I prepared and sent a joint statement to the US EPA explaining how DSCSOC’s decision came about, the impact that the US EPA’s actions concerning the LEHR site TAG renewal was having on public involvement in and oversight of the LEHR site remediation, and the need for continued rigorous, independent technical review of the site investigation and remediation on behalf of the public. That statement was posted on the DSCSOC website as:

Roth, J., Notice of Termination of DSCSOC Activities at LEHR, Letter to US EPA and DSCSOC from Julie Roth, Former Director of DSCSOC, May 17 (2010).
http://www.gfredlee.com/DSCSOC/2010/DSCSOC_USEPA_Final.pdf

That statement contained the following discussion of the need for ongoing independent TAG participation in LEHR site investigation/remediation:

"As documented in reports on the DSCSOC website, there remain important issues in the development of the remainder of the site investigation, and especially of the remediation, approaches that are to be developed, into which the public should have input. First and foremost among these issues is the fact that the current US EPA Superfund and state of California hazardous chemical site remediation regulations do not ensure full protection of public health and environmental quality. The current regulations are based on legislation that is often a compromise among competing interests including full protection, cost for investigation and remediation, and political considerations. Discussion of these issues is presented in some of the papers listed below. These issues are not widely discussed by the regulatory community or those being regulated, as they make the expedient “remediation” of sites more cumbersome. DSCSOC has brought these issues to the public’s understanding, and could have continued to do so with continued TAG support. Other issues in which the public potentially affected by the LEHR site should have the opportunity to be involved with sound technical review and input include:

- *reviewing the ongoing site characterization program with particular reference to identifying and monitoring for unknown/unrecognized pollutants at the LEHR site,*
- *reviewing the development of a groundwater remediation plan and its implementation for chloroform-polluted groundwater,*

- *reviewing the development of a groundwater remediation plan and its implementation for chromium-polluted groundwater,*
- *reviewing the development of a remediation plan for contaminated soil to ensure that soils and site remediation do not lead to increased stormwater pollution of Putah Creek by LEHR site stormwater runoff,*
- *reviewing the development of an investigation plan for characterization of the UCD landfills as a source of pollution,*
- *reviewing the development of a remediation plan for the three UCD landfills to provide a high degree of reliability for stopping current groundwater pollution and for maintaining the integrity of the landfill containment system for as long as the wastes in the landfills are a threat,*
- *reviewing the development of a stormwater runoff control plan to control mercury derived from CERCLA areas of the site with particular emphasis on developing fully functional BMPs to control mercury in the stormwater runoff to meet CVRWQCB water quality standards/objectives in the stormwater discharge to Putah Creek,*
- *reviewing and reporting on the adequacy of groundwater and surface water monitoring programs and reports including providing recommendations on how the monitoring should be conducted to more adequately define the pollution of the LEHR site groundwater and surface water."*

Additional information on these issues is on the DSCSOC website at <http://www.gfredlee.com/dscsoc/doc.htm>

At one of the RPM meetings, the UCD site manager stated that it is UCD's approach to do the minimum needed to just get by the regulatory requirements. It is clear that the approaches followed by past UCD administrations for managing campus wastes have resulted in the need to now spend many tens of millions of dollars of public funds on Superfund site remediation at LEHR.

While the October 2011 US EPA "Community Update" flier listed some of the activities that have been undertaken at the LEHR site, it failed to inform the public about a number of the significant potential problems associated with proposed approaches for remediation of this site that were identified through the TAG technical advisor's activities and were summarized in the above-cited statement. The public in the Davis area should be made aware of the potential long-term problems with the investigation/remediation approaches that the US EPA, UCD, and the other RPMs are implementing in LEHR site remediation. Based on what I know of the LEHR site activities, it is important that public oversight of remediation be technically independent and sound, systematic, and thorough. I believe that inviting interested members of the public to contact a US EPA representative who was, in effect, responsible for termination of the TAG for the site, "to learn how you can be involved and kept informed" about the site is woefully inadequate for ensuring proper and meaningful oversight of site remediation on behalf of the public.

Questions on these issues should be directed to G. Fred Lee at gfredlee@aol.com.