

Julie Roth

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Julie,

Following up on the July 17th RPM meeting, there were a couple of discussions where I want to briefly summarize issues of concern.

Conceptual Site Model

One of these was in the Montgomery Watson conceptual site model that was distributed at the meeting, where it is stated (under "Chemical Mobility") that, "*Stormwater from the site flows into Putah Creek, but chemical monitoring and toxicity tests show no chemical impacts to the creek.*" As we have repeatedly discussed, the UCD/DOE monitoring of stormwater runoff impacts has been significantly deficient compared to that needed to be able to make such a statement with any degree of reliability. At best, this statement is characterized as more of the UCD propaganda in trying to convince the RPMs that stormwater runoff from the site is not having an adverse impact, without doing the studies necessary to support this position.

Another significant deficiency with the conceptual site model is the omission of bioaccumulation issues associated with stormwater runoff from the site to Putah Creek. Further, there is no discussion of the translocation issues that we have repeatedly raised. It looks like UCD hopes that somebody will forget about the fact that translocation has already been demonstrated to be an important factor at the site. For UCD and DOE not to investigate these areas years ago is a significant deficiency in how this site has been managed.

During the discussions of the conceptual site model, the statement was made that winds are primarily from the south or south and west. As was pointed out by the RPMs, the winds that drive movement of soil at the site are from the north. The northerly high, dry winds are the key to wind transport of pollutants at the LEHR site.

RI/FS Work Plan

At the July 17th RPM meeting, there was considerable discussion about the RI/FS work plan that was developed in 1994. The tone of these discussions was that there was a credible work plan being developed at that time, that now is governing what is being done at the LEHR site. As you pointed out during the meeting, that work plan was found by DSCSOC and some of the RPMs. It was never adopted as a credible work plan for the RI/FS.

Over the past half a dozen years, the LEHR site has been investigated on more or less an *ad hoc* basis, without a definitive work plan to follow. Hopefully, the current efforts by the RPMs will develop a credible work plan that does provide the framework for future investigations at the LEHR site. This work plan should include components that DSCSOC has been indicating as deficiencies year after year since 1995 when we first became involved.

Review of Existing Soil Data

At the last RPM meeting, sheets were passed out with the title, "LEHR/SCDS Environmental Restoration - Summary of Soil Data." During the discussions, UCD representatives attempted to claim that, as a presumptive remedy for the waste burial holes, a compacted soil cap to reduce

infiltration has been adequately reviewed and accepted. As we pointed out in the fall of 1995, there were discussions put forth by PNL about a RCRA or “less than RCRA” cap. At that point, DSCSOC indicated that that approach would not be satisfactory for protecting the long-term interests of the public and the environment. It appears that UCD, as part of its propaganda campaign, is attempting to resurrect an obviously technically-flawed approach. Anyone familiar with RCRA or “less than RCRA” caps (whatever that might be) knows that, at best, they only postpone for a short period of time when further moisture will enter the buried wastes and transports whatever is transportable to groundwater. This is well understood and documented and is the basis for not accepting a minimum RCRA or some ill-defined “less than RCRA” cap on as an adequate remedy for waste left at the LEHR site.

On the second page of this discussion, Landfill Disposal Units 1, 2 and 3 are listed as “presumptive remedy - capping.” Discussed previously and above, caps that will for only a short time prevent moisture from entering the landfill will not be acceptable means of controlling further pollution of groundwaters by these landfills.

With respect to the comment that, “*All other chemical concentrations were below residential PRGs*,” as discussed previously (and UCD continues to ignore), PRGs do not address the issue of bioaccumulation of hazardous chemicals in aquatic life. This is a separate requirement that has to be addressed at the LEHR site.

Stormwater Permit Violations

Another significant issue that I raised at the last RPM meeting that is still not being adequately addressed is the violation of the UCD stormwater NPDES permit for the LEHR site. This permit requires that the concentrations of the constituents in the stormwater runoff from the LEHR site not exceed the California Toxics Rule/Water Quality Objective criterion at the point of discharge. While Brian Oatman attempts to claim that this approach is inappropriate, if he would check with the Central Valley Regional Water Quality Control Board staff responsible for managing the stormwater NPDES permit program, he will find that UCD has continued to violate this requirement for every constituent which is present in stormwater runoff from the LEHR site that exists at concentrations above the California Toxics Rule criterion.

This requirement applies to controlling constituents, independent of whether they are naturally occurring at the site or derived from pollution of sources. The Clean Water Act does not allow a permittee to discharge materials to a watercourse above the water quality standards because it happens to be of natural or other origin than the permittee’s pollution of the area.

Effectiveness of Administrative Controls

At several locations, there are discussions about administrative controls. As has been repeatedly discussed in RPM meetings over the years, there is considerable question about whether administrative controls are effective in providing true, long-term public health and environmental protection. The UCD L. Vanderhoef administration has already gained a well-deserved reputation of not adequately informing the public and its own staff about the hazards of the LEHR site, when it refuses to have it adequately posted as a national Superfund site. Can the current or future UCD

administrations be trusted to properly implement administrative controls? Certainly not based on past experience. UCD administrations over the years, including the current administration, have acquired a well-deserved “recalcitrant polluter” reputation of doing the least possible to try to get by current regulatory requirements.

The situation at UCD has become so bad that the DeltaKeeper had to file suit to try to force UCD to meet the current regulatory requirements. It is my understanding that the judge’s preliminary ruling on this strongly condemns UCD for its lack of adequate protection of public health and the environment. The UCD administration’s record on protecting public health and the environment must be considered when the RPMs review the adequacy of any administrative controls in providing protection from the hazardous and otherwise deleterious chemicals left at the LEHR site as part of remediation.

Comments on draft Waste Burial Holes Characterization Report, July 2001

Page 5, under section 2.1 “Background,” second paragraph states,

“Two groundwater monitoring wells (UCD1-13 and UCD2-14), located down gradient of the WBHs have shown elevated concentrations of tritium and carbon-14 in groundwater.”

As I asked at the RPM meeting, how well do these wells sample all of the areas that could be polluted by constituents in the waste burial holes? I am not looking for an off-the-cuff answer, as I got at the meeting. There should be a demonstrated understanding of groundwater hydrology between the waste burial holes and down gradient wells to demonstrate that plumes generated in any one of the waste burial holes would be detected by the existing monitoring wells. If this does not occur, then there will be need for additional monitoring wells to investigate the current pollution of groundwaters by the wastes in these waste burial holes.