Khatri, Paresh, Env. Health

From: Santos.Carmen@epamail.epa.gov
Sent: Friday, December 18, 2009 10:38 AM
To: Khatri, Paresh, Env. Health; MMalinow@dtsc.ca.gov
Cc: wilson.patrick@epa.gov
Subject: PCBs - Aspire Site, Follow Up to December 10, 2009 Conference Call - Cleanup Level

Importance: High

Hello, Paresh and Mark:

Seems I did not copy you on the message below that I had sent to LFR / Aspire concerning the cleanup level for the Aspire school site in Oakland.

After sending to LFR / Aspire the message attached below, EPA had a conference call with Ron Goloubow (LFR) on December 16 to answer questions that LFR had on EPA's reply to LFR's December 11, 2009 message (which is included at the end of the attached message string). In summary, during that conference call, EPA clarified that under the self-implementing PCB cleanup option individual cleanup verification samples must meet for PCBs the cleanup level of 0.13 ppm. Meeting the cleanup level is based on in-situ soil verification sampling data not on statistical analysis of the data. We offered to LFR the option to apply for a risk-based disposal approval for PCBs at the Aspire site in Oakland. LFR / Aspire would need to submit to EPA a letter explaining why LFR / Aspire want to change the conditionally approved PCB self-implementing cleanup plan to a risk-based cleanup plan and to submit the PCB risk-based cleanup application before conducting the cleanup. Such application must be approved by EPA before a party begins the PCB cleanup.

Please let me know if you have any questions.

Sincerely,
Carmen

Carmen D. Santos, Project Manager
RCRA Corrective Action Office
Waste Management Division
USEPA Region 9
415.972.3360
fax: 415.947.3533

-----Forwarded by Carmen Santos/R9/USEPA/US on 12/18/2009 09:28AM -----

To: "Goloubow, Ron" <Ron.Goloubow@lfr.com>
From: Carmen Santos/R9/USEPA/US
Date: 12/14/2009 10:38AM
cc: "Gibbs, Alan" <Alan.Gibbs@lfr.com>, "Goldberg Day, Amy" <Amy.GoldbergDay@lfr.com>, Charles Robitaille <charles@pacificcharter.org>, Mike Barr <Mike.Barr@aspirepublicschools.org>, Annie Bauer <Annie.Bauer@aspirepublicschools.org>, Patrick Wilson/R9/USEPA/US@EPA
Subject: Re: FW: PCBs - Aspire Site, Follow Up to December 10, 2009 Conference Call

Dear Ron Goloubow:

This message reiterates our request for the information that we asked in the December 11, 2009 message (sent to you at 12:02 PM). The use and application of the Agency's Pro-UCL statistical package to support data analysis is consistent with current Agency risk assessment guidance. The use of the Pro-UCL package however, does not mitigate Aspire's responsibility to provide the additional risk assessment

supporting information that was contained in my previous message to you. That is, a comprehensive and site-wide conceptual site model (CSM), and the supporting risk assessment exposure and risk characterization equations - in addition to the equation inputs - will be necessary for EPA to complete a timely review.

In addition, samples with contaminant concentrations less than the laboratory detection or reporting limit(s) should be managed consistent with the guidelines found in the Pro-UCL support guidance. That is, the statistical package will conduct an evaluation of the entire data set to determine its statistical distribution. A distribution-specific upper confidence limit on the mean (UCLm) will then be reported and should then be used as the exposure point concentration (EPC) in support of risk characterization. Pro-UCL will use boot-strap and other statistical methods to approximate the most appropriate concentration value to be substituted for those samples with PCB concentrations less than the laboratory reporting or detection limit. Therefore, the substitution of non-detect sample results with the reporting limit is not the recommended approach.

We look forward to receiving the requested information.

Thank you for your courtesies.

Sincerely,

Carmen D. Santos, Project Manager
RCRA Corrective Action Office
Waste Management Division
USEPA Region 9
415.972.3360
fax: 415.947.3533

"Goloubow, Ron" ---12/11/2009 02:28:17 PM---Per our conversation yesterday, LFR is in the process of applying the 95% upper confidence level sta

From: "Goloubow, Ron" <Ron.Goloubow@lfr.com>

To: Carmen Santos/R9/USEPA/US@EPA, Patrick Wilson/R9/USEPA/US@EPA, "Khatri, Paresh, Env. Health" <paresh.khatri@acgov.org>, Mark Malinowski <MMalinow@dtsc.ca.gov>

Cc: "Gibbs, Alan" <Alan.Gibbs@lfr.com>, "Goldberg Day, Amy" <Amy.GoldbergDay@lfr.com>, Charles Robitaille <charles@pacificcharter.org>, Mike Barr <Mike.Barr@aspirepublicschools.org>, Annie Bauer <Annie.Bauer@aspirepublicschools.org>

Date: 12/11/2009 02:28 PM

Subject: FW: PCBs - Aspire Site, Follow Up to December 10, 2009 Conference Call

---

Per our conversation yesterday, LFR is in the process of applying the 95% upper confidence level statistical analysis (95-UCL) to the analytical data for the soil samples that contain PCBs greater than 0.13 mg/kg and less than 0.39 mg/kg that would remain in soil at the Site. For samples that have less than the laboratory reporting limit we are planning to use the laboratory reporting limit as a concentration of PCBs that are left in place at that particular location. The US EPA statistical software ProUCL will be used to calculate the 95% UCL.

If this analysis determines that the 95-UCL is ≤0.13 mg/kg for soil across the Site would this analysis provide the data required to deem the removal action as successful?

Please let me know.

Ron Goloubow, P.G.
LFR Inc., an ARCADIS Company
510-596-9550 Direct Dial
510-501-1789 Cell
510-652-4906 Facsimile
ron.goloubow@lfr.com

From: Santos.Carmen@epamail.epa.gov [mailto:Santos.Carmen@epamail.epa.gov]
Sent: Friday, December 11, 2009 12:02 PM
To: Goloubow, Ron; Gibbs, Alan
Cc: Annie Bauer; Mike Barr; Mark Malinowski; Khatri, Paresh, Env. Health; Charles Robitaille; Wilson.Patrick@epamail.epa.gov
Subject: PCBs - Aspire Site, Follow Up to December 10, 2009 Conference Call

Dear Ron Goloubow and Alan Gibbs:

I am following up on the issue of Aspire continuing with the conditionally-approved PCB self-implementing cleanup notification rather than submitting a PCB risk-based disposal approval. Our November 13, 2009 conditional approval letter establishes a cleanup goal for PCBs of 0.13 mg/kg (total Aroclors) for the Aspire school site in Oakland - a level consistent with the cleanup goal proposed in your corrective action plan and a concentration previously approved by the Alameda County Department of Health (ACDH).

I want to clarify that if Aspire decides to propose a different cleanup level, that Aspire may make such proposal via an amendment to the current self-implementing cleanup notification as long as: (1) all exposure assessment and risk characterization calculations and inputs, a site-wide conceptual site model (CSM), and all supporting justifications are submitted to USEPA for review and approval, (2) the proposed PCB risk-based cleanup level does not increase the site-wide cumulative risk or hazard of applicable contaminants at the site beyond a risk range acceptable to ACDH, DTSC School Program, and USEPA, and (3) ACDH, DTSC's School Program, and USEPA agree that the proposed cleanup level is adequate and protective.

Please call me if you have any questions concerning this follow up message.

Thank you for your courtesies and have a nice day.

Sincerely,

Carmen D. Santos, Project Manager
RCRA Corrective Action Office
Waste Management Division
USEPA Region 9
415.972.3360
fax: 415.947.3533

Khatri, Paresh, Env. Health

From: Santos.Carmen@epamail.epa.gov
Sent: Friday, December 18, 2009 11:31 AM
To: Ron.Goloubow@lfr.com
Cc: Alan.Gibbs@lfr.com; Amy.GoldbergDay@lfr.com; charles@pacificcharter.org; Mike.Barr@aspirepublicschools.org; Annie.Bauer@aspirepublicschools.org; Wilson.Patrick@epamail.epa.gov; Khatri, Paresh, Env. Health; MMalinow@dtsc.ca.gov
Subject: PCBs - Aspire Site: Follow Up to December 10 and 16, 2009 Conference Calls - Cleanup Level and Risk-Based Disposal Approval Application

Importance: High

Dear Ron Goloubow:

We had a conference call with you on December 16, 2009 to answer questions that LFR had on USEPA's reply to LFR's December 11, 2009 message (which is included at the end of the attached message string). During that conference call, USEPA clarified that under the self-implementing PCB cleanup option individual cleanup verification samples must meet for PCBs the cleanup level of 0.13 ppm. Under the self-implementing cleanup option, cleanup levels for PCBs are met based on comparison of in-situ soil verification sampling data to the cleanup level and not on statistical analysis of the data. LFR / Aspire may consider applying for a risk-based disposal approval for the PCB cleanup at the Aspire site in Oakland. If this option is elected, LFR / Aspire need to submit a letter to USEPA explaining why LFR / Aspire want now to conduct the PCB cleanup under the risk-based cleanup option (40 CFR 761.61(c)) instead of under the PCB self-implementing cleanup plan (40 CFR 761.61(a)) that USEPA conditionally approved on November 13, 2009. We explained that in accordance with 40 CFR 761.61(c), LFR / Aspire must obtain USEPA's approval of such risk-based disposal application before beginning the PCB cleanup. Further, given a school has been proposed to be built at the Aspire site in Oakland and that ACDEH has approved a cleanup plan with a cumulative risk-based cleanup level of 0.13 ppm, EPA has requested that LFR / Aspire's PCB risk-based cleanup application be consistent with the EPA TSCA PCB regulatory requirements, DTSC School Program requirements, and ACDEH requirements.

As explained during the conference call, under the risk-based PCB cleanup option, the party conducting the cleanup can propose cleanup verification sampling and data handling procedures different than those required in the PCB self-implementing option to demonstrate compliance with the cleanup level (see 40 CFR 761.61(c)). The LFR risk-based cleanup plan must include all the information already submitted by LFR in its self-implementing PCB cleanup notification (including the written, signed certification) and all risk-based calculations used to derive the 0.13 ppm cleanup level (see 40 CFR 761.61(c)). In addition to PCBs, the cleanup level should encompass all the other contaminants found at the site. In addition, the LFR / Aspire risk-based cleanup application must include all the information we requested in our December 14, 2009 electronic message sent to you at 10:38 AM. The application must include all the calculations that LFR / Aspire will apply in the evaluation of cleanup verification data to demonstrate the 0.13 ppm cleanup level has been met for PCBs and all other contaminants at the site.

USEPA will make its best efforts to expedite review and approval of the application. The completeness and quality of the application, however, will facilitate an expedited review provided we do not encounter any emergencies at other sites.

Please call me if you have any questions concerning this message.

I thank you for your courtesies and wish you a happy and safe Holiday Season.

Sincerely,

Carmen D. Santos, Project Manager
RCRA Corrective Action Office
Waste Management Division

USEPA Region 9
415.972.3360
fax: 415.947.3533

-----Forwarded by Carmen Santos/R9/USEPA/US on 12/18/2009 10:50AM -----

To: "Goloubow, Ron" <Ron.Goloubow@lfr.com>
From: Carmen Santos/R9/USEPA/US
Date: 12/14/2009 10:38AM
cc: "Gibbs, Alan" <Alan.Gibbs@lfr.com>, "Goldberg Day, Amy" <Amy.GoldbergDay@lfr.com>, Charles Robitaille <charles@pacificcharter.org>, Mike Barr <Mike.Barr@aspirepublicschools.org>, Annie Bauer <Annie.Bauer@aspirepublicschools.org>, Patrick Wilson/R9/USEPA/US@EPA
Subject: Re: FW: PCBs - Aspire Site, Follow Up to December 10, 2009 Conference Call

Dear Ron Goloubow:

This message reiterates our request for the information that we asked in the December 11, 2009 message (sent to you at 12:02 PM). The use and application of the Agency's Pro-UCL statistical package to support data analysis is consistent with current Agency risk assessment guidance. The use of the Pro-UCL package however, does not mitigate Aspire's responsibility to provide the additional risk assessment supporting information that was contained in my previous message to you. That is, a comprehensive and site-wide conceptual site model (CSM), and the supporting risk assessment exposure and risk characterization equations - in addition to the equation inputs - will be necessary for EPA to complete a timely review.

In addition, samples with contaminant concentrations less than the laboratory detection or reporting limit(s) should be managed consistent with the guidelines found in the Pro-UCL support guidance. That is, the statistical package will conduct an evaluation of the entire data set to determine its statistical distribution. A distribution-specific upper confidence limit on the mean (UCLm) will then be reported and should then be used as the exposure point concentration (EPC) in support of risk characterization. Pro-UCL will use boot-strap and other statistical methods to approximate the most appropriate concentration value to be substituted for those samples with PCB concentrations less than the laboratory reporting or detection limit. Therefore, the substitution of non-detect sample results with the reporting limit is not the recommended approach.

We look forward to receiving the requested information.

Thank you for your courtesies.

Sincerely,

Carmen D. Santos, Project Manager
RCRA Corrective Action Office
Waste Management Division
USEPA Region 9
415.972.3360
fax: 415.947.3533

"Goloubow, Ron" ---12/11/2009 02:28:17 PM---Per our conversation yesterday, LFR is in the process of applying the 95% upper confidence level sta

From: "Goloubow, Ron" <Ron.Goloubow@lfr.com>

To: Carmen Santos/R9/USEPA/US@EPA, Patrick Wilson/R9/USEPA/US@EPA, "Khatri, Paresh, Env. Health" <paresh.khatri@acgov.org>, Mark Malinowski <MMalinow@dtsc.ca.gov>

Cc: "Gibbs, Alan" <Alan.Gibbs@lfr.com>, "Goldberg Day, Amy" <Amy.GoldbergDay@lfr.com>, Charles Robitaille <charles@pacificcharter.org>, Mike Barr <Mike.Barr@aspirepublicschools.org>, Annie Bauer <Annie.Bauer@aspirepublicschools.org>

Date: 12/11/2009 02:28 PM

Subject: FW: PCBs - Aspire Site, Follow Up to December 10, 2009 Conference Call

---

Per our conversation yesterday, LFR is in the process of applying the 95% upper confidence level statistical analysis (95-UCL) to the analytical data for the soil samples that contain PCBs greater than 0.13 mg/kg and less than 0.39 mg/kg that would remain in soil at the Site. For samples that have less than the laboratory reporting limit we are planning to use the laboratory reporting limit as a concentration of PCBs that are left in place at that particular location. The US EPA statistical software ProUCL will be used to calculate the 95% UCL.

If this analysis determines that the 95-UCL is ≤0.13 mg/kg for soil across the Site would this analysis provide the data required to deem the removal action as successful?

Please let me know.

Ron Goloubow, P.G.
LFR Inc., an ARCADIS Company
510-596-9550 Direct Dial
510-501-1789 Cell
510-652-4906 Facsimile
ron.goloubow@lfr.com

From: Santos.Carmen@epamail.epa.gov [mailto:Santos.Carmen@epamail.epa.gov]
Sent: Friday, December 11, 2009 12:02 PM
To: Goloubow, Ron; Gibbs, Alan
Cc: Annie Bauer; Mike Barr; Mark Malinowski; Khatri, Paresh, Env. Health; Charles Robitaille; Wilson.Patrick@epamail.epa.gov
Subject: PCBs - Aspire Site, Follow Up to December 10, 2009 Conference Call

Dear Ron Goloubow and Alan Gibbs:

I am following up on the issue of Aspire continuing with the conditionally-approved PCB self-implementing cleanup notification rather than submitting a PCB risk-based disposal approval. Our November 13, 2009 conditional approval letter establishes a cleanup goal for PCBs of 0.13 mg/kg (total Aroclors) for the Aspire school site in Oakland - a level consistent with the cleanup goal proposed in your corrective action plan and a concentration previously approved by the Alameda County Department of Health (ACDH).

I want to clarify that if Aspire decides to propose a different cleanup level, that Aspire may make such proposal via an amendment to the current self-implementing cleanup notification as long as: (1) all exposure assessment and risk characterization calculations and inputs, a site-wide conceptual site model (CSM), and all supporting justifications are submitted to USEPA for review and approval, (2) the proposed PCB risk-based cleanup level does not increase the site-wide cumulative risk or hazard of applicable contaminants at the site beyond a risk range acceptable to ACDH, DTSC School Program, and USEPA, and (3) ACDH, DTSC's School Program, and USEPA agree that the proposed cleanup level is adequate and protective.

Please call me if you have any questions concerning this follow up message.

Thank you for your courtesies and have a nice day.

Sincerely,

Carmen D. Santos, Project Manager
RCRA Corrective Action Office
Waste Management Division
USEPA Region 9
415.972.3360
fax: 415.947.3533
