

# FAX TRANSMITTAL SHEET



**State of California Environmental Protection Agency**  
**Department of Toxic Substances Control**  
 Northern California Coastal Cleanup Operations Branch  
 700 Heinz Avenue, Suite 200  
 Berkeley, California 94710

Date: 1/27/98 Number of Pages Including Cover: 7

Deliver to:

From:

Name: Stella Morse

Name: Barbara Coz

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

Comments:

Joking ABOUT BRING A - COUPLE-DAYS late.

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January 27, 1998

Cal/EPA

Department of  
Toxic Substances  
Control

700 Heinz Avenue  
Suite 200  
Berkeley, California  
94710-2737

Mr. Steve Morse  
San Francisco Region  
Regional Water Quality Control Board  
2101 Webster Street, Suite 500  
Oakland, California 94612

Pete Wilson  
Governor

Peter M. Rooney  
Secretary for  
Environmental  
Protection

Dear Mr. Morse:

**TENTATIVE ORDER FOR SITE CLEANUP REQUIREMENTS  
SHERWIN-WILLIAMS FACILITY, EMERYVILLE, CALIFORNIA**

Thank you for the opportunity to review the Tentative Order for Adoption of Site Cleanup Requirements and Rescission of Cleanup and Abatement Order No. 97-047 for the Sherwin-Williams Facility at 1450 Sherwin Avenue, Emeryville, California (Tentative Order). The Regional Water Quality Control Board (RWQCB) has been designated the administering agency for this Site under the California Health and Safety Code, Division 20, Chapter 6.65 (Site Designation Process). Therefore, please ensure that the site definition included within the Tentative Order is consistent with the definition of the Site used in the Site Designation Committee's Resolution. DTSC, as a member of the Consultative Workgroup for this Site, has reviewed the Tentative Order to ensure that our statutory and regulatory requirements are included.

As an administering agency, the RWQCB administers all state and local laws, ordinances, regulations, and standards that are applicable to, and govern, the site investigation and remediation action at the Site. Therefore, DTSC is requesting that the RWQCB incorporate the requirements in Health and Safety Code, Division 20, Chapter 6.8, Section 25356.1 et seq. into its Order. This includes requirements for public participation and consistency of the cleanup with the National Contingency Plan requirements.

**Site Investigation Requirements**

DTSC provided comments on October 20, 1997 to the June 2, 1997 Workplan developed for this Site. However, DTSC has not received a revised document which indicates how our comments have been addressed or incorporated into the Workplan. As the Tentative Order would require Sherwin-Williams to proceed with implementation of the Workplan developed for this Site, it is important to DTSC to ensure that our comments have been addressed.

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The Order should be revised to require that Sherwin-Williams expand its area of investigation. At the Meyers Site, there are upgradient wells located adjacent to the railroad tracks and directly west of the Sherwin-Williams property. One of these wells has consistently detected approximately 100 parts per billion (ppb) of arsenic. Therefore, Sherwin-Williams should expand its area of investigation to determine the extent of arsenic contamination in groundwater between their site and the Meyer's site.

The Order should include a requirement for a surface water investigation. As you are aware, a recent discharge of arsenic contaminated groundwater into Temescal Creek via the storm drain has occurred. Therefore, an evaluation must be made as to what release to the storm drain is occurring or has occurred and the impacts to Temescal Creek. A recent Erler & Kalinowski, Inc. report dated December 1997 documenting investigation activities for the Hacros property shows a grab sample containing 74 ppb of arsenic in the storm sewer which discharges to Temescal Creek.

For your information, in April 1990, EarthMetric conducted sampling in Temescal Creek as part of the PIE site investigation. Results showed arsenic levels in the creek between 12 to 22 ppb. This work is documented in the PES Environmental Report dated September 27, 1991.

#### Use of Preliminary Remedial Goals

As arsenic contaminated groundwater has been discharged to Temescal Creek, the ambient surface water discharge goal (36 ppb) should be included as part of the preliminary remedial goals. In our December 9, 1993 memorandum to the RWQCB, DTSC outlined our concern regarding the RWQCB's establishment of the soil preliminary remedial goal (PRG) of 1 part per million (ppm) for total volatile organic compounds (VOCs) and 10 ppm of semi-volatile organic compounds. DTSC reiterates this concern and believes it would be appropriate to establish soil remedial goals for the Sherwin-Williams Site using site-specific data and formal risk assessment methodology which is consistent with state and federal guidelines.

#### Tasks

DTSC also has the following concerns regarding the provisions outlined in the Order:

1. Task 4. Please add a requirements for ensuring access to both the RWQCB and all responsible agencies for action related to this order.

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2. Task 10. In addition to releases which pose or may pose a threat to the waters of the State, threats to public health must also be addressed. Therefore, please revise this section to state:

"The Discharger shall notify the Regional Water Quality Control Board immediately upon learning of any condition posing an immediate threat to public health or safety or the environment. Within seven (7) days of the onset of such a condition, the Discharger shall furnish a report to the Regional Board setting forth the events which occurred and measures taken in the response thereto."

3. Due to problems that have arisen in the past and consistent with the discussions at the January 8, 1998 Consultative Workgroup Meeting, DTSC requests that a monthly report be submitted. We suggest the following language be added as an additional task:

"Monthly Summary Report. On a monthly basis, the Discharger shall submit a Monthly Summary Report of activities undertaken pursuant to this Order. Each report shall describe: (a) Specific actions taken by or on behalf of Discharger during the month; (b) Actions expected to be undertaken during the current month; and (c) Planned activities for the next month. These reports should be submitted no later than the 15th day of the month following the month in which the work was accomplished.

4. Please add the following new task: "Notification of Field Work. Respondents shall inform the Regional Water Quality Control Board at least 5 days in advance of all field sampling under this Order, and shall allow the Regional Board, its authorized representatives and any responsible agencies to take duplicates of any samples collected by Dischargers pursuant to this Order. Discharger shall maintain a central depository of the data, reports and other non-privileged documents prepared pursuant to this Order."

5. Please add the following new task: "Quality Assurance Project Plan. The Quality Assurance Project Plan shall be prepared, submitted and approved. The Plan shall include:

- (1) Project organization and responsibilities with respect to sampling and analysis;
- (2) Quality assurance objectives for measurement including accuracy, precision, and method detection limits. In selecting analytical methods,

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Discharger shall consider obtaining detection limits at or below potential ARARs, such as MCLs or MCLGs;

- (3) Sampling procedures;
  - (4) Sample custody procedures and documentation;
  - (5) Field and laboratory calibration procedures;
  - (6) Analytical procedures;
  - (7) Laboratory to be used certified pursuant to H&SC section 25198;
  - (8) Specific routine procedures used to assess data (precision, accuracy and completeness) and corrective actions;
  - (9) Reporting procedure for measurement of system performance and data quality;
  - (10) Data management, data reduction, validation and reporting. Information shall be accessible to downloading into the RWQCB system; and
  - (11) Internal quality control.”
6. The last paragraph in Task 6 states that preliminary remedial goals should be considered in that evaluation. As stated earlier, DTSC believes it would be more appropriate to establish soil remedial goals for the Sherwin-Williams Site using site-specific data and formal risk assessment methodology. Therefore, please insert the following new task:

“**Risk Assessment.** Discharger shall submit a Risk Assessment Report prepared consistent with U. S. EPA Risk Assessment Guidance for Superfund (EPA/540/1-89/002) and DTSC Supplemental Guidance for Human Health Multimedia Risk Assessments of Hazardous Waste Sites and Permitted Facilities. The Risk Assessment Report must include the following components:

- (a) **Contaminant Identification.** Characterization data shall be screened to identify contaminants of concern in order to focus subsequent efforts of the risk assessment process.

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- (b) Exposure Assessment. The objectives of an exposure assessment are to identify actual or potential exposure pathways, to characterize the potentially exposed populations, and to determine the extent of the exposure.
  - (c) Toxicity Assessment. Discharger shall evaluate the types of adverse health or environmental effects associated with individual and multiple chemical exposures; the relationship between magnitude of exposures and adverse effects; and the related uncertainties such as the weight of evidence for a chemical's potential carcinogenicity in humans.
  - (d) Risk Characterization. Risk characterization includes the potential risks of adverse health or environmental effects for each of the exposure scenarios derived in the exposure assessment.
  - (e) Environmental Evaluation. An ecological assessment consisting of:
    - (1) Identification of sensitive environments and rare, threatened, or endangered species and their habitats; and
    - (2) As appropriate, ecological investigations to assess the actual or potential effects on the environment and/or develop remediation criteria.
  - (f) Soil and Groundwater Remediation Goals."
7. DTSC would like to clarify the intent of Task 1d. If the technical report required in this task does not fully define the lateral and vertical extent of contamination, does Task 1d require the submission of a new workplan that must be approved and implemented to achieve that goal? If this is not the purpose of Task 1d, DTSC believes that Task 1D should be modified to do that.

#### Task Schedules

DTSC has the following concerns regarding the schedules for the tasks outlined in the Tentative Order:

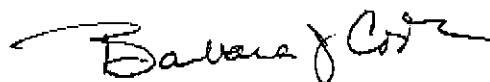
1. Task 1 on page 7: The compliance schedule of 120 days for Task 1 seems overly long. DTSC suggests reducing the schedule to 90 days after adoption of this Order. Also, please delete the wording "Task 1" at the end of the third line of the first sentence.
2. Task 3 on page 8: DTSC recommends reducing the compliance schedule for completion of remedial investigation to 180 days instead of 245 days after adoption of the Order.

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3. Task 6 on page 8: DTSC recommends reducing the compliance schedule for submitting the proposed final remedial actions to 90 days instead of 120 days after approval of the Remedial Investigation Report by the Executive Officer.

If you have any questions concerning this letter, please call Ted Park of my staff at (510) 540-3805.

Sincerely,



Barbara J. Cook, P.E., Chief  
Northern California-Coastal Cleanup  
Operations Branch