UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

February 21, 2008

Mr. Rory Moran
President
Romic Environmental Technologies Corporation
820 Gessner Road, Suite 1310
Houston, TX 77024

RE: Notice of Deficiency for
TSD Facility Closure Plan – Final Draft, dated Nov 15, 2007 for
Romic Environmental Technologies Corporation - Southwest, 6760 West Allison Road, Chandler, AZ, 85228; EPA ID AZD 009 015 389

Dear Mr. Moran:

We have completed our review of the *TSD Facility Closure Plan – Final Draft* (Closure Plan), submitted by Romic Environmental Technologies Corporation - Southwest for its facility in Chandler, Arizona. Based upon our review and two discussions with your staff, EPA has determined that the submitted Closure Plan is incomplete. Attached to this letter is a Notice of Deficiency (NOD) that lists the specific deficiencies.

The main deficiencies of the Closure Plan can be summarized as follows:

- The Closure Plan fails to provide clearly defined closure performance standards. The contents of the closure plan must include a description of how and when each hazardous waste management unit at the facility will be decontaminated and closure methods used, including actions necessary to remove waste and decontaminate containment structures and waste processing areas and soil sample collection.

- Several components are missing, including the Health and Safety Plan; the Quality Assurance Program Plan and Data Quality Objectives discussion; Contingent Closure and Post Closure Plans; description and copy of Financial Assurance mechanisms.

- The Closure Plan must clearly delineate which portions of the Closure Plan work will be covered under the RCRA 3008(h) Corrective Action Enforcement Order. As a

reminder, this Closure Plan should address all interim status units and the railroad spur. Additionally, the Closure Plan should also memorialize any agreements made between Romic and Lone Butte Industrial Development Corporation (LBIDC) with regards to facility closure. Please note specific comments from LBDIC are included in the NOD as an attachment.

This NOD is issued under the authority of 40 CFR Part 265.112(d)(4). Please respond to this letter by resubmitting the Closure Plan with the additional information requested. To assist with your revision of the Closure Plan and to ensure its completeness, we have attached a copy of our Checklist for Closure Plans for RCRA Interim Status Permit facilities.

40 CFR Part 265.112(d)(4) requires Romic to submit a revised Closure Plan within 30 calendar days of the electronic receipt of this letter. Romic is reminded that the revised Closure Plan will be made available for public review and comment as required by 40 CFR Part 265.112(d)(4). In order to proceed efficiently, Romic shall schedule a conference call with EPA to discuss the NOD comments prior to submitting the revised Closure Plan. If Romic fails to accurately and adequately address the NOD comments and the requirements of 40 CFR Part 265.112 in the revised Closure Plan, EPA will revise and finalize the Closure Plan without further input from Romic prior to making the document available for public comment. After EPA responds to public comments and incorporates any changes, the Final Closure Plan will be an enforceable document that Romic will be responsible for implementing.

Please submit six copies of the revised Closure Plan and the Response to Comments document to:

Ms. Susanne Perkins
US EPA
75 Hawthorne Street
Mail Code WST-4
San Francisco, CA 94105

If you have any questions or concerns please contact Susanne Perkins of my staff at (415) 972-3208 or perkins.susanne@epa.gov.

Sincerely,

Cheryl Nelson
Manager, RCRA Facilities Management Office
Waste Management Division

Enclosures:

Notice of Deficiency, dated February 21, 2008

Checklist for Closure Plans for RCRA Interim Status Permit facilities.

CC: (with enclosures):

Margaret Cook
Executive Director
Gila River Indian Community
Department of Environmental Quality
P.O. Box 97
Sacaton, AZ 85247

Esther Manuel
General Manager
Lone Butte Industrial Development Corporation
Gila River Indian Community
6960 W. Allison Street, Box 5000
Chandler, AZ 85226

Mr. Wayne Kiso
Clarus Management Solutions, Inc.
PO Box 3239
San Dimas, CA 91773

Romic Administrative Record File (RCRA Records Center)
Susanne Perkins, WST-4

Notice of Deficiency (NOD)
Romic Environmental Technologies, Corporation
RCRA TSD Facility Closure Plan
Dated November 15, 2007
EPA ID Number AZD 009015389

General Comments

1. Missing: Health and Safety Plan; Quality Assurance Program Plan and Data Quality Objectives discussion; Contingent Closure and Post Closure Plan; description and copy of Financial Assurance mechanisms.
2. Errors in spelling, grammar, and typos are not specifically addressed in these comments. Ensure that the next submission of this plan is free of such errors.
3. "Green" practices: Incorporate green technologies for deconstruction, demolition and removal, cleanup, remediation, and waste management throughout the Closure Plan.

Specific Comments

Executive Summary:

4. p 3, Para 4, Beneficial Reuse and Recycling: Last sentence – Change to emphasize that *decontaminated* systems and equipment will be offered. Also, a reminder that the cost estimate cannot include salvage cost, only disposal.
5. p 5, Para 6a, Mitigation of Community Impacts: Verify with the Gila River Indian Community (GRIC) that the stated truck routing is acceptable.
6. p 5, Para 6b, Mitigation of Community Impacts: List the major community leaders ROMIC will be working with (included, but not limited to) such as Lumber Products, Lone Butte Industrial Development Corporation (LBIDC), GRIC Department of Environmental Quality (DEQ), the local Fire Department, etc.
7. p 6, Para 8, Remediation of Contaminated Soils and Groundwater: "...between 1980 and the completion of ..." Site activities from South West Solvents (SWS) date back to 1975. Look at earlier Part A's of the permit application and any SWS records to verify. "...ongoing EPA directed investigations." Change to reference the actual RCRA 3008(h) enforcement order.

Closure Plan:

8. p ii, Table of Contents, Attachments: Add Attachment E, Cleanup PRGs
9. p 1, Para 1.2, Operational Principles: "...(HSP) will be developed..." No, it must be

submitted as an appendix to this closure plan before the plan can be approved.

10. p 1, Para 1.2, Operational Principles: "…encourage…green technologies such as…" EPA strongly suggests that Romic require, rather than merely encourage, contractors to use green technologies for deconstruction, demolition and removal, cleanup, remediation, and waste management. Adjust Closure Cost Estimate in Attachment D to reflect impact of green technologies on disposal.
11. p 2, Para 1.4, Closure Plan Modification: Ensure that this revised plan reflects the format and style of the previous Closure Plan dated Dec 2005. The earlier plan is much easier to review, follow, and understand. Provide citations to indicate compliance with the closure plan regs as shown in the Dec 2005 Closure Plan.
12. p 7, Figure 1, Facility Layout: Replace with a legible copy.
13. p 10-11, Table 1, Inventory of Units and Equipment: **a)** Change "TF" to "Thin Film." **b)** Change column title from "Dimensions/Capacity" to "Permit Capacity/Dimensions." **c)** Clarify capacities of Tanks 132 and 136 (listed as 3,500 and 5,000 gal, respectively). Stated capacities conflict with those stated on p 3A of 6 of the Part A permit application (3100 gal each), those implied on p D-29 of Section D of the permit application (where Tank 132 will be moved and renumbered to 401 and Tank 136 will be moved and renumbered to 301), and those stated on Table D-3 (Tanks 301 and 401 listed as 4,100 gal each permit capacity.). **d)** The closure plan must address closure of all the units listed in Romic's most recent Part A permit application. Revise to include closure of the Vacuum Pot and the Aerosol Can Depressurization/Crusher.
14. p 12, Table 2, Maximum Waste Inventory: Clarify Tank Farm D capacities. See comment #13c above.
15. p 13, Para 3.3, Current Inventory of Wastes: Romic is reminded that further details of the partial closure of the vacuum pot system will be required in the closure certification report. Level of detail offered here is insufficient.
16. p 13, Para 3.4, Closure Generated Waste: What about RCRA debris, e.g. concrete, etc, that cannot be decontaminated?
17. p 14, Para 3.5, Management of Closure Generated Wastes: Need more specifics on handling and treatment of hazardous waste and waste water generated. "However, Romic may decide to use permitted units at the time of closure to treat the maximum amount of off-site received waste and closure generated wastes." None of Romic's units were "permitted." Need more a more specific explanation of this sentence.
18. p 16, Para 4.1, General: First sentence – incorporate the phrase "clean closure" into the primary goal description
19. p 18, Para 5.1, Decontamination Procedures: Add debris standard in 40CFR268.45 to the listed citations.
20. p 18, Para 5.1.1, Definitions: "Equipment" – Does this definition include the asphalt and concrete used in the containment structures for the various chemical handling systems? If yes, then clarify the definition. If no, then add "Containment" to the list of definitions and define accordingly.
21. p 20, Para 5.2, Decontamination Performance Standard Objectives: *Item #3* – Need a table with each constituent in each media with cleanup levels defined. Need to define

DQOs and include a QAPP with the closure plan. *Item #4* – How will the decontamination rinsate be treated appropriately on site? *Item #5* (p 21) – Include an inventory of what will remain on site.

22. p 21, Para 5.2.1, Specific Decontamination Disposition Methods: Decontamination not discussed in each of the five methods. Salvage cost cannot be included in cost estimate. Where will off-site disposal occur? Provide details on testing and evaluation in accordance with 40 CFR 261 Subpart B.
23. p 22, Para 5.2.2, Decontamination Clean up Criteria: Table 3 is on page 25. *Item #1* – 40 CFR 265.1085 is the wrong reference.
24. p 23, Para 5.2.2, Decontamination Clean up Criteria: *Item #3* – Concrete surfaces will still need to be tested after decontamination.
25. p 24, Para 5.2.2, Decontamination Clean up Criteria: *Item #3* – Provide a map indicating the designated grid locations for the concrete pad testing.
26. p 25, Table 3: Under "Visual" column, all must meet the clean debris standard in 40 CFR 268.45. Under "Metals" column, are these standards based upon wipe samples? See comment # 30. Under "Organics" column, Tank Systems – there should not be any heavy ends, Porous Concrete for reuse – confirm there are PCBs at the site.
27. p 27, Table 5: Decon Code Definition Column – Need to meet 40 CFR 268.45.
28. p 28, Para 5.2.6, Decontamination Set Up: The HSP needs to be submitted as part of the Closure Plan.
29. p 29, Para 5.2.9 Decontamination Sequencing: Discussion in this section should cover all units and equipment listed in Table 1. For instance, the vacuum pot and distillation column are not discussed. *Item #3* – What are the corrosive waste management systems? EPA is under the impression that only tanks were used. *Item #4* – List other equipment specifically, e.g. aerosol can unit, water towers, etc. *Item #5 & #6* – Confirm that LBIDC is in agreement with proposed demolition plans and concrete disposal/asphalt replacement. Provide specific details of this agreement in the closure plan. Use green practices in both instances as discussed in Comments #3 & #10.
30. p 30-31, Para 5.2.10, Decontamination Methods, *Item #1*: The decontamination verification standard for tanks should be the visual clean standard per 40 CFR 268.45. "Collected rinsate will be treated appropriately on site…" Provide details on this process.
31. p 32, Para 5.2.10, Decontamination Methods, *Item #2*: "Decontaminated. Equipment surfaces should be sampled and tested…" Should meet 40 CFR 268.45.
32. p 33, Para 5.2.10, Decontamination Methods, *Item #4*: List the waste processing contaminant systems covered in the Closure Plan.
33. p34, Para 5.2.10, Decontamination Methods, *Item #4*: Clean the concrete containment systems in accordance with 40 CFR 268.45. Is there a standard for chip samples being collected? Provide details on methodology for collecting, size, number of samples, etc.
34. p 35, Para 5.3, Sampling and Analysis – Need to also have a Contingent Closure Plan for tank areas that cannot be clean closed and must be closed with "waste in place."
35. p 35, Para 5.3.2, Secondary Containment: Include VOCs and SVOCs in the testing analyses.

36. p 36, Para 5.3.3, Soil Investigation and Confirmation: Soil samples need to be collected at subsurface intervals (to be determined) all the way to ground water. The Data Quality Objectives analysis needs to be included in the Closure Plan.
37. p 37, Para 5.3.3, Soil Investigation and Confirmation: "Contaminants to be tested..." Justify and substantiate selected contaminants of concern.
38. p 37, Para 5.4, Decontamination Closure Performance Standards: Include the Contingent Closure Plan here.
39. p37, Para 5.5, Closure Certification Report: "...approved Closure Plan." Add "or will submit an application for a post closure permit." The Certification Report shall also include a brief background of the project. Reference the RCRA 3008(h) Ground Water Corrective Action Enforcement Order and indicate that ground water cleanup will be deferred to the Order.
40. p 38, Para 5.5, Closure Certification Report: *Item #6* – Should read "Verification and discussion of Analytical Results"
41. p 39, Table 6, Closure Schedule: Delete "Review and Update Closure Plan" through and including "Inventory elimination and offsite shipment of waste." Theses items have already been completed or are not applicable. Add a row at the bottom of the table for "Ongoing compliance with RCRA 3008(h) Ground Water Corrective Action Enforcement Order."
42. p 40, Para 6.2, Regulatory Requirements: 40 CFR 265.142(b) does not apply here.
43. p 41, Para 6.4, Demonstration of Financial Responsibility: Provide description and copy of Financial Assurance mechanisms. Including only a reference to Section K of the permit application is inadequate. Add a clause that the Financial Assurance Mechanism will be updated within 30 days of Closure Plan approval.

Sampling and Analysis Plan:

44. p 1, Introduction: All ground water samples will be deferred to the RCRA 3008(h) enforcement order.
45. p 1, Sampling Personnel Roles and Responsibilities: Under *Closure Quality Assurance Manager*, add responsibility for data validation.
46. p 2, Para 3.1, General: Wipe Samples – Delete. Use the clean debris standard in 40 CFR 268.45 instead of wipe samples. Chip Samples – Is the process described standard? Is there a technical standard for chip sampling? Subsurface Samples – Samples need to be taken at intervals to groundwater as previously mentioned.
47. p 3, Para 3.2.1, Equipment: Use green deconstruction/reuse practices as previously mentioned.
48. p 3, Para 3.2.2, Concrete Containment Pads: How will the TPH data be interpreted for the asphalt surfaces?
49. p 3, Para 3.3, Equipment and Structural Decontamination Rinse Water: How will it be determined that rinse water has been mixed with listed hazardous waste? If rinse water can be classified as a non-hazardous waste, why not discharge to the onsite sewer under potable water permit? What was the constituent that caused illness at Lumber

Products? Need to test for that. Any reason to test for dioxin or furan? Community will most likely ask about this.

50. p 4, Para 3.4.1, Investigative Sampling: Again, soil sampling must go to ground water. Change first *Item #1* to read: Determine if organic and inorganic contamination is present in soil. Need to expand discussion beginning under "Contaminated soil identified from investigative sampling..." to include soil gathered a depths greater than 15 feet to groundwater, which is at roughly 70 feet.
51. p 5, Figure 1, Secondary Concrete Containment and Investigative Sampling Locations: Revise sample locations and quantities to reflect changes in approach as discussed in 1/15/08 conference call and 1/31/08 meeting between EPA and Romic.
52. p 6, Para 3.5, Groundwater Samples: Refer to RCRA 3008(h) Order.
53. p 6, Para 3.6, Soil and Groundwater Cleanup Performance Standards: Refer to RCRA 3008(h) Order. Attachment E is missing.
54. p 7, Para 4.1.1, Metal and Non-Porous Equipment: Use 40 CFR 268.45 clean debris visual standard.
55. p 7, Para 4.2, Process Related Porous Containment Surfaces: 30 foot x 30 foot sampling grids seem to be too large. Justify this decision or provide a smaller grid size for sampling. Figure 1 is not on the next page.
56. p 8, Para 4.4, Decontamination Wash Water and Rinsates: Is one representative sample from each storage tank adequate?
57. p 8, Para 4.5, Investigative Samples: Again, 30x30 foot sampling grid is too big and sampling need to go to ground water. Intervals of 6 inches, 3 feet, and 6 feet contradict earlier statements.
58. p 8, Para 5, Testing Parameters: "Detection limits are set to at least the PQLs specified in SW-846." Is this low enough for TCLP and PRG purposes? Need a Data Quality Objectives analysis.
59. p 9, Table 1, Testing Parameters: Under EPA/Cal Test Method - Add visual clean debris standard in 40 CFR 268.45 for surface staining and discolorization parameters. Is EPA 6010B/7471 the TCLP standard?
60. p 13, Para 8.1.1, Soils: Will any of the borings be converted to groundwater wells per the Enforcement Order?
61. p 14, Para 8.1.3, Wipe: Is there a referenced method for wipe sampling? Again, EPA prefers the visual clean debris standard per 40 CFR 268.45.
62. p 14, Para 8.1.5, Groundwater: Defer groundwater sampling to the RCRA 3008(h) Groundwater Corrective Action Enforcement Order.
63. p23, Para 14.1, Data Review: Include the Quality Assurance Program Plan with the Closure Plan.

Site Security and Emergency Preparedness:

64. p 4, Para 4, Emergency Preparedness: Include the emergency preparedness plan in the health and safety plan and submit it with the Closure Plan.
65. p. 5, Figure 1, Facility Access Points: Replace figure with a legible copy.

Facility Closure Cost Estimate:

66. p 1, Introduction: Add the soil excavation and disposal costs to the bulleted list of items in the cost estimate.
67. p 1, Facility Purpose: Clarify what is meant by "...and store EPA and Arizona state hazardous wastes."
68. p 3, Closure Cost Estimation, 2nd bullet: Provide verification that 98% of the existing waste has already been processed or disposed of.
69. p 5, Table 2: Adjust sampling analysis cost of $279,117 to include additional soil sampling and deletion of wipe samples.
70. p 6, Table 3: Adjust breakdowns and costs to include additional soil sampling and deletion of wipe samples.
71. p 11, Table 6: Include the aerosol can unit.

Attachments:

Additional comments on the Closure Plan that shall be addressed are included in the following attachments:

A. Comments on Romic Southwest Closure Plan, Technical Memorandum dated December 4, 2007, from Katherine Baylor, US EPA Region 9 RCRA Corrective Action Office to Susanne Perkins, US EPA Region RCRA Facilities Management Office.
B. Comments on Romic Southwest Closure Plan, Letter dated January 21, 2008, from Lone Butte Industrial Development Corporation to Susanne Perkins, US EPA Region RCRA Facilities Management Office.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 9

75 Hawthorne Street
San Francisco, CA 94105-3901

4 December 2007

Memorandum

To: Susanne Perkins
RCRA Facilities Management Office

From: Katherine Baylor, P.G.
RCRA Corrective Action Office

Subject: **Comments on Romic Southwest Closure Plan**

At your request, I have reviewed the Romic Southwest Closure Plan. The Closure Plan was dated November 15, 2007. Listed below are my comments on the Plan. Please contact me at 2-3351 if you need more information.

1. Page 7, Figure 1, Facility Layout of Waste Management Areas: This map is illegible and should be replaced.

2. Page 10, Section 3.1, Inventory of Units and Equipment: Table 1 in this section fails to list Tank 135, which is indicated in the text of Section 3.2 as a corrosive waste tank.

3. Page 10, Section 3.1, Inventory of Units and Equipment: Properly-scaled maps should be included in the Plan with each unit in Table 1 clearly identified within the facility.

4. Page 16, Section 4.1, Closure Activities: This section indicates that one of the goals of the closure plan is to investigate and document the current condition of soils through visual and analytical analysis. To maximize available resources, EPA encourages Romic to integrate the soils investigation with on-going groundwater investigations. Surface and near-surface vadose zone contamination may contribute to groundwater contamination.

5. Page 20, Section 5.2, Decontamination Performance Standard Objectives: This section states that "contaminated environmental media (soil and/or groundwater) will be cleaned up to risk-based cleanup levels or removed and disposed at an off-site facility that is appropriately authorized to handle such wastes." This is an overly-broad statement that

should be further discussed in the Closure Plan. Specific risk-based criteria for specific contaminants should be detailed in the Plan. Similarly, removal and/or disposal criteria should be addressed. Romic should consider using EPA's Data Quality Objective (DQO) process in the Closure Plan. DQOs may be used to help define necessary analytes, detection/quantitation limits, and number of samples, as well as avoid redundant or unnecessary work. It may be useful to develop a "decision tree" or flowchart to address available re-use or disposal options. Equipment which is slated for re-use must be decontaminated to appropriate risk-based levels; equipment or media which is slated for disposal must meet land disposal regulations. Each of these (and other) options may have different sampling and analytical requirements.

6. Page 21, Section 5.2, Decontamination Performance Standard Objectives: This section states that "Secondary containment surfaces, tanks, and equipment will be decontaminated to achieve the closure performance standards if they are to be left on-site or sent off-site for reuse." The closure performance standards are not identified. Additionally, the extent of closure is not clearly indicated. If the intent of the Closure Plan is to fully dismantle and remove all buildings, tanks, pipes, equipment, and associated infrastructure (including concrete pads, sumps and secondary containment), that should be stated in the Closure Plan. It may be useful to indicate which (if any) structures will remain after Closure.

7. Page 23, Section 5.2.2, Decontamination Cleanup Criteria: This section (and Table 3) refers to the use of an OVM (organic vapor meter) or "four gas detector" (typically oxygen, hydrogen sulfide, carbon monoxide and lower explosive limit) to meet both health and safety and hazardous waste determination requirements. OVMs and multi-meters are typically used at hazardous waste sites to monitor for Immediately Dangerous to Life or Health (IDLH) conditions, but are not used for hazardous waste determination. IDLH conditions may include environments that are low in oxygen, contain flammable/explosive concentrations of gases, or that have chemical concentrations in excess of inhalation limits. OVMs and four-gas detectors are inappropriate for hazardous waste determination. Additionally, the Plan should be spell-checked, as the term OMV is frequently substituted.

8. Page 23, Section 5.2.2, Criteria for heavy metals testing: This section (and Table 3) should be revised. Information in Table 3 suggests that hazardous waste criteria (TCLP) will be used for items intended for re-use. Items intended for re-use should be assessed using appropriate human health risk-based criteria. The statement that "non metallic or porous materials will be tested on a case by case basis….." is vague and should be re-worded to indicate the nature and extent of testing planned.

9. Page 23, Section 5.2.2, Criteria for concrete and porous materials: The statement that "concrete surfaces would not likely exhibit the presence of semi volatile organic compounds after a thorough decontamination wash down," should be reconsidered. Concrete is a porous surface with the potential to sorb SVOCs to a depth which cannot be washed down.

10. Page 25, Table 3, Decontamination Performance Standard Objectives: This table should be revised to meet local, state and Federal disposal criteria for items intended for disposal, or risk-based criteria for items intended for re-use or salvage. An OVM or four gas meter is inappropriate for disposal, re-use or salvage determinations. The reference to "heavy ends less than 3000 ppm RTPH" is unclear and should be revised.

11. Page 26, Section 5.2.4, Identification Labeling: This section indicates that tracking cards are "signed by at the completion of each decontamination step." The statement should be revised to indicate who is responsible for signing the tracking card.

12. Page 27, Table 4, Example of Item Identification Labeling: The Plan should consider using plain language rather than multiple codes and acronyms for item labeling. Plain language will enable facility personnel, contractors, re-use entities, regulators and other interested parties to better understand and track items.

13. Page 30, Section 5.2.9, Decontamination Sequencing: Item 5 in this section indicates that interior drywall or insulation will be removed and tested separately. The Plan should indicate whether the drywall/insulation (or other items such as fireproofing material in the process units) may include asbestos-containing materials and, if so, how this material will be tested and disposed.

14. Page 31, Section 5.2.10, Decontamination Methods: This section refers to a "portable OMV."
15. The context of this section suggests that the item is an OVM (organic vapor meter). The entire Plan should be checked to ensure that OVM is cited, rather than OMV.

16. Page 32, Section 5.2.10, Decontamination Methods: The statement that "Accessible interior and external surfaces surface areas will be……" should be revised. To improve readability, the entire document should be spell-checked and grammatically proofed before it is re-submitted.

17. Page 32, Section 5.2.10, Decontamination Methods: The need for the statement that, "Any points where disconnections or openings to internal surfaces or voids occur after disassembly shall be capped, plugged, or otherwise sealed to prevent any exposure risk during transportation" is unclear. If the equipment is properly decontaminated prior to sale to other TSD facilities, there should not be an exposure risk.

18. Page 33, Section 5.2.10, Decontamination Methods: The statement that "Selected internal and external equipment and structural surfaces will be tested in accordance with the SAP" in reference to equipment and structures designated for recycling or salvage is vague and should be clarified.

19. Page 34, Section 5.2.10, Decontamination Methods: This section appears to indicate that contaminated concrete will be scraped to a depth of 13" This depth should be re-

checked to ensure that it is the intended depth.

20. Page 35, Section 5.3.2, Secondary Containment: This section refers to Figure 4 of the SAP. Figure 4 was not included in the SAP.

21. SAP, Page 2, Section 3.1, General: This section states that subsurface soil samples will be collected at a depth of one foot below ground surface. This statement is inconsistent with Section 5.3.3 of the Plan, which indicates that soil will be collected at a depth of one and three feet below ground surface.

22. SAP, Page 3, Section 3.2.2: As discussed previously, "presence of transient ignitable vapors" is an inappropriate verification method.

23. SAP, Page 4, Section 3.4.1: This section states that the facility is underlain by a "30 ml" plastic liner. The unit of measurement should be re-checked, as it is likely to be a 30 mil plastic liner (i.e., 0.03 inches thick).

24. SAP, Page 4, Section 3.4.1: This section states that soil removal will be conducted based on "soil cleanup performance standards." Soil cleanup performance standards were not included in the Plan.

25. SAP, Page 5, Figure 1: Additional soil investigation may be needed in the vicinity of the former rail loading area (near tanks 304, 305, 306, 321, 322, and 323). As indicated in the 2004 Revised RCRA Facility Assessment for the site, this area (designated as SWMU 9) consisted of a railroad tank car (no secondary containment) used for liquid bulk hazardous waste storage.

26. SAP, Page 5, Figure 1: Additional soil investigation should be considered for Waste Storage A, Waste Storage B, and the Thin Film Evaporator. As indicated in the 2004 Revised RCRA Facility Assessment, poor waste management practices in these areas suggest the need for further investigation.

27. SAP, Page 6, Section 3.5: The discussion of groundwater samples is inadequate. Ground water is the subject of a separate, longer-term investigation that includes Romic Southwest and other facilities within Lone Butte Industrial Park. To expedite facility closure, Romic may wish to separate the ground water investigation and remediation activities from the facility Closure Plan.

28. SAP, Page 6, Section 3.6: This section refers to "Attachment E" of the Closure Plan. Attachment E was not included.

29. SAP, Page 8, Section 4.5: This section states that soil samples will be collected from depths of six inches, three feet and six feet. This is inconsistent with the SAP, Page 2, Section 3.1, which states that subsurface soil samples will be collected at a depth of one foot below ground surface. This statement is inconsistent with Section 5.3.3 of the Plan.

which indicates that soil will be collected at a depth of one and three feet below ground surface.

30. SAP, Page 8, Section 4.6: This section suggests that each excavation pit will have a dimension of 30 x 30 feet. It is not clear from the text of the SAP if data from the single soil sample collected from each 30x30 grid area will be used to prompt excavation of the entire 30x30 grid square.

31. SAP, Page 9, Table 1: PCBs (as Aroclors) are analyzed by EPA Method 8082, not 8081.

32. SAP, Page 12, Table 2: This table suggests completeness criteria of 80%. Completeness criteria are typically set at 95%. The lower completeness criteria listed in the Plan should be justified.

33. SAP, Page 13, Section 8.1.1, Soils: The description of that soil samples will be "removed from the sampling device, sealed with Teflon tape, capped....." refers to a soil sampling methodology which is no longer recommended by EPA. The Plan should be revised so that it is consistent with EPA Method 5035.

34. SAP, Page 14, Section 8.1.3, Wipe Samples: The specific solvent(s) should be specified in the Plan.

35. SAP, Page 14, Section 8.1.5, Groundwater: This section should be either deleted (see comment 27) or greatly expanded.

36. SAP, Page 16, Table 3: The container (4 ounce glass jar) for VOC soil samples is inconsistent with current soil VOC sampling methodology included in EPA Method 5035. Soil VOC samples collected in accordance with EPA method 5035 are typically field preserved by freezing or methanol, or are collected using a zero-headspace subsampling device. VOC and SVOC water samples (EPA Methods 8260/8270) are cooled to 4 degrees Celsius, but are not preserved with sodium thiosulfate. Sodium thiosulfate is used as a preservative for wastewater samples that contain residual chlorine (i.e., from a wastewater treatment plant). Soil samples for metals analysis are not preserved with nitric acid. Nitric acid is used to preserve water samples for metals analysis, but the performance standard is pH < 2, which may (or may not) require 1 mL of concentrated HNO3.

37. SAP, Page 17, Section 8.4: Paper should not be used to cushion glass bottles in a cooler. The ice in the cooler will melt, the paper will become wet and its cushioning ability will be severely compromised. The chain of custody form is not attached to the "top of each cooler" if it will be shipped to a laboratory by commercial carrier (Fed Ex, DHL, etc.). The chain of custody form is typically sealed in a plastic ziplock-type bag and taped to the inside of the cooler lid for transit to the laboratory. It may be acceptable to attach the chain of custody form to the top of the cooler if the samples will be hand-carried to the

receiving laboratory.

38. SAP, Page 19, Section 8.6.6: Duplicate samples should be sent "blind" to the laboratory and not identified by the word, "dup." A separate sample ID number that is consistent with the environmental samples should be used to label the duplicate sample.

39. SAP, Page 20, Section 11.1: Field duplicate samples should be collected at a rate of one per ten (10%) environmental samples. The Plan should include justification for a field duplicate rate of 1 per 20 (5%).

40. SAP, Page 22, Section 12.3.2, The Plan authors should consider combining Section 12.3.2 (Chain-of-Custody Records) with section 8.6.4, which is also titled Chain of Custody Records.

41. SAP, Page 23, Section 13: Section C, Appendix C-3, was not included in the Plan.

LONE BUTTE

INDUSTRIAL DEVELOPMENT CORPORATION

January 21, 2008

VIA E-MAIL (perkins.susanne@epa.gov)
AND REGULAR MAIL

Susanne Perkins
RCRA Facilities Management Office
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, California 94105

Re. Comments to Romic Environmental Technologies Corporation's ("Romic") Draft Closure Plan

Dear Ms. Perkins,

Thank you for giving the Lone Butte Industrial Development Corporation ("Lone Butte") a copy of Romic's draft Closure Plan (the "Closure Plan"). After reviewing the Closure Plan, we have some initial concerns. To resolve these concerns, we ask that the U.S. Environmental Protection Agency (the "EPA") require Romic to revise the Closure Plan pursuant to the following comments.

Comment 1: The Closure Plan Should Clarify that Romic will Remediate all Contamination on Romic's Property, whether Pursuant to the Closure Plan or the Administrative Order

Although page 1 of the Executive Summary to the Closure Plan states that it is Romic's overall cleanup objective to "fully [address] known and potential contaminated property soils and ground water," later statements suggest that Romic intends to limit the scope of investigative sampling and any subsequent remediation.

For example, page 6 of the Executive Summary states that the "Closure Plan distinguishes between . . . contamination types that would be expected from facility activities and those of certain TOC's (total organic compounds) already being addressed under ongoing EPA directed investigations" and that "investigations and any subsequent remediation of soils will be driven by the presence of those contaminates that can be tied to the receipt and processing of specific hazardous substances between 1980 and the completion of facility closure activities."

Lone Butte had some initial concerns with Romic's apparent attempt to limit the scope of investigation and remediation and was going to request that the Closure Plan be

revised to require Romic to remove all soil and groundwater contamination on the property, regardless of when such contamination occurred. However, in light of the Administrative Order on Consent, which was signed by Romic and the EPA in December 2007 (the "Administrative Order"), Lone Butte realizes that such revision may not be necessary as the Administrative Order requires Romic to investigate and remediate all releases of hazardous wastes and/or hazardous constituents occurring in soils and/or groundwater. Yet to help protect Lone Butte's interests, the Closure Plan should be revised to make it clear that Romic will remediate all soil and groundwater contamination on the property, whether such remediation occurs pursuant to the Closure Plan or the Administrative Order.

Comment 2: The Scope of the Investigative Sampling Should be Expanded

As stated in the Closure Plan, "it is the methods and procedures [of the Sampling and Analysis Plan] that verifies and validates the objectives of the Closure Plan." (Page 2 of Attachment B to the Closure Plan.) Accordingly, the scope of the investigative samples should be broad enough to ensure that all contamination will be detected and to enable the preparation and implementation of an adequate remediation plan. As discussed below, the Closure Plan should be revised to provide for more comprehensive sampling so as to facilitate the detection of contamination that may exist on the property. Although Lone Butte realizes that the sampling and analysis plan that will be developed pursuant to the Administrative Order may compensate for some of these deficiencies, Lone Butte sets forth its concerns here as such concerns may be applicable to the development of such sampling and analysis plan.

i. The Closure Plan Should Clarify that the Investigation and Remediation of Groundwater Contamination will Occur Pursuant to the Administrative Order

Currently, the Closure Plan only requires sampling of groundwater if groundwater is encountered during soil investigation. (Page 14 of Attachment B to the Closure Plan.) Although it may not be necessary for the Closure Plan to mandate the sampling of groundwater since such sampling will occur under the Administrative Order, the Closure Plan should be revised to make this clear. That is, the Closure Plan should be revised to state that groundwater sampling and remediation will occur pursuant to the Administrative Order.

ii. Scope of Investigative Soil Sampling Should be Increased

Page 5 of Attachment B to the Closure Plan provides a figure showing the locations of soil samples. Lone Butte is concerned that there is an insufficient number of sample locations to ensure the detection of all soil contamination that may exist. As such, the Closure Plan should be revised to provide for more comprehensive sampling. For example, additional sample locations should be added to drum storage building #2 and sample locations should added to the wastewater treatment area.

Additionally, the Closure Plan should be revised to provide that if the initial sampling does not show compliance with decontamination standards at the deepest depths of the initially proposed sampling scheme, then additional vertical samples will be taken until samples show levels of contaminants within the decontamination standards.

iii. **Scope of Confirmatory Sampling Should be Increased**

Page 10 of Attachment B to the Closure Plan provides that "[c]onfirmatory soil samples will be analyzed for only the parameters for which the original investigative samples exhibited results above closure standards." To ensure that all contaminated soils are fully removed, confirmatory sampling should be conducted pursuant to the same parameters of the initial sampling. In addition, confirmatory sampling should test for biodegradation products as such products may also present environmental and health risks. The Closure Plan should also be revised to require full removal of any biodegradation products found.

Comment 3: Current Remediation Standards are Vague and Should be Revised

A closure plan must contain a "detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated system components, equipment, structures, and soils." 40 C.F.R. § 265.112(b). Here, regarding the decontamination of soils, the Closure Plan merely states that if soil contamination is found such contaminated soil will be excavated. To help ensure that any soil contamination will be fully removed, the Closure Plan should be revised to include a more detailed description of the remediation steps that will be taken.

Comment 4: The Closure Plan Should be Revised to Require the Removal of Underground Liners/Barriers

The Closure Plan does not state that Romic will remove all underground liners/barriers that were installed under Romic's facilities. Such removal is required pursuant to 40 C.F.R. § 265.114 and will help ensure that any contaminants remaining on top of the liners/barriers will be removed. As such, the Closure Plan should be revised to require Romic to remove all underground liners/barriers.

Conclusion

Lone Butte greatly appreciates the EPA's consideration of the above comments and any other comments that Lone Butte may have as the review process continues. Revising the Closure Plan pursuant to the above discussion will facilitate the goal of leaving Romic's property in an environmentally sound condition. As Lone Butte has a large interest in ensuring that the site is properly closed, we would greatly appreciate the opportunity to review and comment on revisions made to the Closure Plan. We look

forward to working with the EPA as the development and review process continues.

Sincerely,

LONE BUTTE INDUSTRIAL DEVELOPMENT CORPORATION

Franklin Jackson
President

Cc: Willram R. Rhodes, Governor, Gila River Indian Community
Jennifer Allison-Ray, Lt. Governor, Gila River Indian Community
Jenniter Giff, General Counsel, Gila River Indian Community
Economic Development Standing Committee
Arthur Felder, Acting Economic Development Director
Margaret Cook, Director, Department of Environmental Quality
Cheryl Nelson, EPA Project Manager
Esther Manuel, General Manager
Doug Jorden, Attorney
Lone Butte Board of Directors

EPA ltr 20080117

CHECKLIST FOR REVIEW OF FEDERAL RCRA INTERIM STATUS PERMIT APPLICATIONS

SECTION I. CLOSURE PLANS AND FINANCIAL REQUIREMENTS

	Section and Requirement	Federal Regulation	Review Consideration[a]	Location in Application[b]	See Attached Comment Number[c]
I-1	Closure Plans				
I-1a	Closure Performance Standard	265.111	Describe how closure: minimizes the need for further maintenance; controls, minimizes, or eliminates the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere; and complies with the closure requirements of Subpart G and unit-specific closure requirements.		
I-1b	Time and Activities Required for Partial Closure and Final Closure Activities	265.112(b)(1) through 265.112(b)(7)	Describe the time and all activities required for: partial closure, if applicable; final closure; and maximum extent of operation that will be active during life of facility.		
I-1c	Maximum Waste Inventory	265.112(b)(3)			
I-1d	Schedule for Closure	265.112(b)(6)			
I-1(d)(1)	Time Allowed for Closure	265.112(b)(2); 265.113(a) and (b)			
I-1d(1)(a)	Extension for Closure Time	265.113(a) and (b)			
I-1e	Closure Procedures	265.112; 265.114			
I-1e(1)	Inventory Removal	265.112(b)(3)	Discuss methods for removing, transporting, treating, storing, or disposing of all hazardous wastes and identify the type(s) of off-site hazardous waste management units to be		

CHECKLIST FOR REVIEW OF FEDERAL RCRA INTERIM STATUS PERMIT APPLICATIONS

SECTION I. CLOSURE PLANS AND FINANCIAL REQUIREMENTS

Section and Requirement		Federal Regulation	Review Consideration[a]	Location in Application[b]	See Attached Comment Number[c]
			used.		
I-1e(2)	Disposal or Decontamination of Equipment, Structure, and Soils	265.112(b)(4); 265.114	Provide a detailed description of the steps needed to decontaminate or dispose of all facility equipment and structures. Demonstrate that any hazardous constituents (i.e., Appendix VII) left at the unit will not impact any environmental media in excess of Agency-established exposure levels and that direct contact will not poso a threat to human health and the environment.		
I-1e(4)	Closure of Containers	265.114; 265.112(b)(3)	Address the following: hazardous waste removal and disposal; container decontamination and disposal; site decontamination and disposal including linings, soil, and washes; maximum inventory.		
I-1e(5)	Closure of Tanks	265.197; 265.112(b)(3)	The description should address the following: waste removal from tanks and equipment; decontamination of all components; verification of decontamination; disposal of wastes and residues; and maximum inventory.		
I-1e(11)	Closure of Miscellaneous Units	270.23(a)(2); 265.381			
I-3a	Certification of Closure	265.115; 265.280			
I-4	Closure Cost Estimate	265.142	Estimate must equal final cost estimate. Estimate must be based on third party closing facility and may use on-site disposal if capacity will exist over life of facility. Estimate		

CHECKLIST FOR REVIEW OF FEDERAL RCRA INTERIM STATUS PERMIT APPLICATIONS

SECTION I. CLOSURE PLANS AND FINANCIAL REQUIREMENTS

Section and Requirement		Federal Regulation	Review Consideration[a]	Location in Application[b]	See Attached Comment Number[c]
			must be adjusted for annual inflation as stated in 264.142(b). Estimates may not assume zero cost for hazardous waste handling, and may not incorporate salvage value, facility structures/equipment, land, or other facility assets as offsets.		
I-5	Financial Assurance for Closure	265.143; 264.151			
I-5b(1)	Surety Bond Guaranteeing Payment into a Closure Trust Fund	265.143(b); 264.151(b)	Must provide bond or standby trust agreement. Bond must guarantee owner/operator will fund standby trust fund or provide financial assurance equal to penal sum.		
I-8	Liability Requirements	265.147			
I-8a	Coverage for Sudden Accidental Occurrences	265.147(a)	Coverage must be maintained for sudden accidental occurrences in the amount of $1 million per occurrence with an annual agreement of at least $2 million.		
I-8a(1)	Endorsement of Certification	265.147(a)(1)	Submit original Hazardous Waste Facility Liability Endorsement wording pursuant to 264.151(i), or Certificate of Liability wording pursuant to 264.151(j).		
I-8a(2)	Financial Test and Corporate Guarantee for Liability Coverage	265.147(a)(2),(f),(g); 264.151(f),(g)	Requires signed letter by owner or chief financial officer worded as outlined in 264.151(g) outlining applicant financial statement. 264.151(g) used if applicant is using financial test to cover cost for closure or post closure. Alternatively, owner/operator may submit corporate guarantee specified in		

CHECKLIST FOR REVIEW OF FEDERAL RCRA INTERIM STATUS PERMIT APPLICATIONS

SECTION I. CLOSURE PLANS AND FINANCIAL REQUIREMENTS

	Section and Requirement	Federal Regulation	Review Consideration[a]	Location in Application[b]	See Attached Comment Number[c]
			264.151(h)(2).		
I-8a(3)	Use of Multiple Financial Mechanism	265.147(a)(3)	Submit items demonstrating liability coverage specified in I-8a(1) and I-8a(2). Amount of coverage must total at least minimum amount required by 264.147(a).		
I-8b	Coverage for Nonsudden Accidental Occurrences	265.147(b)	For high risk storage facilities, surface impoundments, land disposal, land treatment facilities, liability coverage must be maintained in the amount of at least $3 million per occurrence. Annual aggregate at least $6 million.		
I-8b(1)	Endorsement or Certification	265.147(b)(1)	Submit signed duplicate original of Hazardous Waste Facility Liability Endorsement.		
I-8b(2)	Financial Test or Corporate Guarantee for Liability Coverage	265.147(b)(2); 264.151(f),(g)	Requires signed letter by owner or chief financial officer worded as outlined in 264.151(g) outlining applicant financial statement. 264.151(g) used if applicant is using financial test to cover cost for closure or post closure. Alternatively, owner/operator may submit corporate guarantee specified in 264.151(h)(2).		
I-8b(3)	Use of Multiple Insurance Mechanism	265.147(b)(3)	Submit items demonstrating liability coverage specified in I-8a(1) and I-8a(2). Amount of coverage must total at least minimum amount required by 264.147(b).		
I-8c	Requests for Variance	265.147(c)	Request for adjusted level of required liability must be supported by information which demonstrates 264.147(a) or (b) are not		

CHECKLIST FOR REVIEW OF FEDERAL RCRA INTERIM STATUS PERMIT APPLICATIONS

SECTION I. CLOSURE PLANS AND FINANCIAL REQUIREMENTS

Section and Requirement	Federal Regulation	Review Consideration[a]	Location in Application[b]	See Attached Comment Number[c]
		consistent with degree and duration of risk associated with treatment, storage, or disposal at facility or group of facilities.		

Notes:

[a] Considerations in addition to the requirements presented in the regulations.

[b] For each requirement, this column must indicate one of the following: NA for not applicable, IM for information missing, or the exact location of the information in the application.

[c] If application is deficient in an area, prepare a comment describing the deficiency, attach it to the checklist, and reference the comment in this column.