

## **RESPONSE TO COMMENTS**

**August 15, 2008**

### **Comments Received on EPA's Proposed Final Closure Plan**

EPA issued a public notice requesting public review and comment on its proposed final Closure Plan for the Romic Environmental Technologies Corporation – Southwest (“Romic”) facility located near Chandler, AZ. The Closure Plan contains information on the removal of facility waste, decontamination of all structures, and sampling of the site to determine if any further cleanup is required. The public comment period was from June 16 through July 17, 2008.

EPA received three individual comment letters and/or e-mails. EPA considered all of the comments and has required changes to the Closure Plan in response to some comments, as noted below. With these changes, EPA is approving the final Closure Plan.

Following is a list of all the comments received on the proposed final Closure Plan and EPA's responses.

Table 1 at the end of this document provides the name of each commenter and a corresponding number. Where more than one commenter submitted similar comments, a summary of the comment is followed by numbers that correspond to Table 1. The Administrative Record contains complete copies of each comment letter and is available for review at the Gila River Indian Community, Bldg 35 at Pima and Church Streets, Sacaton, Arizona as well the EPA Regional Office, 75 Hawthorne Street, San Francisco, California.

#### **Comments:**

**Comment # 1:** Clarify that underground liners will be removed if contaminated soils cannot be remediated. (Commenters 1 & 2)

**Response:** The final Closure Plan was revised to state clearly that the plastic liner underlying the facility will be allowed to remain in place only if the following two conditions are met:

- (i) it is conclusively established that the soil on top of the liner meets the closure performance standards specified in the approved Closure Plan; or
- (ii) such soil can be and is remediated to the closure performance standards specified in the approved Closure Plan.

The final Closure Plan was further revised to state explicitly that, if neither of these two conditions can be met, the relevant portions of the liner will be removed. In addition, if

contaminated soil needs to be excavated from below the liner, then portions of the liner above the contamination will be removed.

**Comment #2:** Soil samples should be taken from all areas where hazardous constituents were handled. (Commenters 1 & 2)

**Response:** Romic planned to construct a wastewater treatment system in Tank Farm D4; however, the construction never took place. Figures within the Closure Plan included callouts that indicated the planned location for the system in Tank Farm D4. These callouts were misleading and were removed from the figures in the final Closure Plan.

Given the above proposed clarifications, U.S. EPA reviewed the soil sampling locations in the final Closure Plan, and determined that samples will be taken from beneath all hazardous waste management units and from the rail spur area that was identified as a solid waste management unit in the RCRA Facilities Assessment as needing further investigation. The final Closure Plan adequately ensures that the requirements of 40 CFR § 265.114 will be met. Additionally, in the event clean closure cannot be achieved, further investigation and remediation work will be performed in accordance with the RCRA 3008(h) Administrative Order on Consent, Docket No. RCRA(AO)-09-2008-03 entered into by Romic and U.S. EPA.

**Comment #3:** Modify the Closure Performance Standards relating to Metal Constituents. Using three times the 95<sup>th</sup> percentile of the background level concentration distribution as stated could possibly result in leaving soils on site with hazardous characteristics. Recommend using a closure performance standard relating to metal constituents of two standard deviations above the mean background level concentration distribution. (Commenters 1 & 2)

**Response:** The final Closure Plan was revised to reflect a closure performance standard relating to metal constituents of two standard deviations above the mean background level concentration distribution.

**Comment #4:** Increase the scope of Contaminants of Concern by decreasing the threshold for identifying Contaminants of Concern from 20 pounds handled per year to one pound handled per year. (Commenters 1 & 2)

**Response:** U.S. EPA requested Romic to identify what additional Contaminants of Concern would be identified if the “de minimis” threshold were lowered to one pound per year from the 20 pounds per year originally cited and what the resulting impact on the final Closure Plan would be.

Romic reviewed the raw data, and determined that three additional contaminants are captured if the minimum threshold is set at one pound. These three contaminants are 1,1,2-trichloroethane, 2,4-dichlorophenoxyacetic acid, and dichloroethane.

Identification of these additional contaminants of concern requires an evaluation of the Sampling and Analysis Plan within the Closure Plan to ensure that these additional contaminants are adequately investigated.

Two of the three additional contaminants will be detected by EPA Method 8260, which was already included in the Closure Plan. The third, 2,4-dichlorophenoxyacetic acid, will be detected using EPA Method 8151, which was not included in the Closure Plan. EPA Region 9 has established Preliminary Remediation Goals for all three contaminants.

Romic researched its handling of 2,4-dichlorophenoxyacetic acid. This contaminant was received at the facility in one shipment of two 85-gallon capacity drums in July, 2004. The drums were received from a single generator, on a single hazardous waste manifest, under two profiles. Both profiles listed the contaminant at a concentration range of 0.1 to 1.0 per cent. Both containers were sampled at the facility, analyzed, and designated for management as hazardous waste fuel. Both containers were consolidated and transferred into a rail car for shipment off-site to an authorized hazardous waste burner.

Based on these facts, U.S. EPA instructed Romic to revise the Sampling and Analysis Plan in the final Closure Plan to analyze soil samples taken from the rail spur solid waste management unit using EPA Method 8151, in addition to the analytical methods already identified in the final Closure Plan. The Sampling and Analysis Plan was also revised to include all Contaminants of Concern handled by Romic above the one pound per year “de minimis” threshold.

**Comment #5:** Why are we closing this facility and what will happen to dangerous waste items now that Romic is closed? (Commenter 3).

**Response:** The Romic facility is closed because the permit application to operate the facility was denied by EPA. The application was denied because it was incomplete. The regulations require that a completed application included the signature of the landowner. Since the landowner would not sign the application, the regulations required EPA to deny the permit application and close the facility. Other facilities in the local area are available to accept the hazardous wastes that once were delivered to Romic for treatment and disposal. Contact the Arizona Department of Environmental Quality at 1-800-234-5677 to find a facility near your location.

<b>Commenter #</b>	<b>Date Rec'd</b>	<b>Name &amp; Affiliation (if known)</b>	<b>Form of Comment</b>
1	7/10/08	Franklin Jackson, Lone Butte Industrial Development Corporation	Fax, E-mail, U.S. Mail
2	7/15/08	Margaret Cook, Gila River Indian Community - Department of Environmental Quality	Fax, U.S Mail
3	6/12/08	Linda Smith	E-mail