

**STATE OF CALIFORNIA**  
**May Revise - Cover Sheet**  
 DF-46 (REV 03/13)

Fiscal Year 2014-15	FL No. 1	Org. Code 3960	Department Toxic Substances Control	Priority No. 1
Program 12- Site Mitigation and Brownfields Reuse Program			Element	Component

Proposal Title

Stringfellow Superfund Hazardous Waste Site Remediation and Operation

Proposal Summary

Stringfellow is a Federal Superfund site for which the State of California is 100 percent liable, and is under an Agreement to Perform Response Actions (Agreement) from the United States Environmental Protection Agency (USEPA) for the cleanup and long-term operation of the site.

To comply with the Agreement (a consent order from USEPA), the Department of Toxic Substances Control (DTSC) requests \$3.998 million for FY 2014-15, \$3.398 million for FY 2015-16, and \$2.068 million for FY 2016-17 from the General Fund to further the investigation and cleanup of contaminated water that has reached a drinking water source in the Chino Basin. The basin serves as a primary drinking water source for customers in eastern Riverside and San Bernardino counties, and in Orange County. DTSC also requests \$1.130 million ongoing from the General Fund for Operation and Maintenance (O&M) of additional sampling and treatment wells to comply with response actions required under the Agreement with the USEPA.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date

For IT requests, specify the date a Special Project Report (SPR) or Feasibility Study Report (FSR) was approved by the California Technology Agency, or previously by the Department of Finance.

FSR       SPR      Project No.      Date:

If proposal affects another department, does other department concur with proposal?    Yes       No  
*Attach comments of affected department, signed and dated by the department director or designee.*

Prepared By <i>[Signature]</i>	Date 5/8/14	Reviewed By <i>[Signature]</i>	Date 5/7/14
Department Director	Date	Agency Secretary	Date 5/9/14

**Department of Finance Use Only**

Additional Review:    Capital Outlay    ITCU    FSCU    OSAE    CALSTARS    Technology Agency

BCP Type:       Policy       Workload Budget per Government Code 13308.05

PPBA	Date submitted to the Legislature
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**Fiscal Summary**  
(Dollars in thousands)

MR No.	Proposal Title	Program				
1	Stringfellow Hazardouse Waste Site Remediation & Operation	12 - Site Mitigation				
Personal Services	Positions			Dollars		
	CY	BY	BY + 1	CY	BY	BY + 1
Total Salaries and Wages <sup>1</sup>						
Total Staff Benefits <sup>2</sup>						
<b>Total Personal Services</b>	0.0	0.0	0.0	\$0	\$0	\$0
<b>Operating Expenses and Equipment</b>						
General Expense						
Printing						
Communications						
Postage						
Travel-In State						
Travel-Out of State						
Training						
Facilities Operations						
Utilities						
Consulting & Professional Services: Interdepartmental <sup>3</sup>						
Consulting & Professional Services: External <sup>3</sup>					5,128	4,528
Data Center Services						
Information Technology						
Equipment <sup>3</sup>						
Other/Special Items of Expense: <sup>4</sup>						
<b>Total Operating Expenses and Equipment</b>				\$0	\$5,128	\$4,528
<b>Total State Operations Expenditures</b>				\$0	\$5,128	\$4,528
Fund Source	Item Number					
	Org	Ref	Fund			
General Fund - Clean-up	3960	001	0001		\$5,128	\$4,528
Special Funds <sup>5</sup>						
Federal Funds						
General Funds						
Reimbursements						
<b>Total Local Assistance Expenditures</b>				\$0	\$0	\$0
Fund Source	Item Number					
	Org	Ref	Fund			
General Fund						
Special Funds <sup>5</sup>						
Federal Funds						
Other Funds (Specify)						
Reimbursements						
<b>Grand Total, State Operations and Local Assistance</b>				\$0	\$5,128	\$4,528

<sup>1</sup> Itemize positions by classification on the Personal Services Detail worksheet.

<sup>2</sup> Provide benefit detail on the Personal Services Detail worksheet.

<sup>3</sup> Provide list on the Supplemental Information worksheet.

<sup>4</sup> Other/Special Items of Expense must be listed individually. Refer to the Uniform Codes Manual for a list of standard titles.

<sup>5</sup> Attach a Fund Condition Statement that reflects special fund or bond fund expenditures (or revenue) as proposed.

## Supplemental Information

(Dollars in thousands)

MR No. 1	Proposal Title Stringfellow Hazardouse Waste Site Remediation & Operation
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Equipment	CY	BY	BY +1
Standard Complement			
<b>Total</b>	\$0	\$0	\$0

### Consulting & Professional Services

Removal & Remedial Contracts		3,998	3,398
O&M Contract		1,130	1,130
<b>Total</b>	\$0	\$5,128	\$4,528

### Facility/Capital Costs

<b>Total</b>	\$0	\$0	\$0

### One-Time/Limited-Term Costs      Yes      No

Description	BY		BY +1		BY +2	
	Positions	Dollars	Positions	Dollars	Positions	Dollars
Ext. Contract		5,128		4,528		3,198
	0.0	\$5,128	0.0	\$4,528	0.0	\$3,198

### Full-Year Cost Adjustment      Yes      No

*Provide the incremental change in dollars and positions by fiscal year.*

Item Number	BY		BY +1		BY +2	
	Positions	Dollars	Positions	Dollars	Positions	Dollars
<b>Total</b>	0.0	\$0	0.0	\$0	0.0	\$0

### Future Savings      Yes      No

*Specify fiscal year and estimated savings, including any decrease in positions.*

Item Number	BY		BY +1		BY +2	
	Positions	Dollars	Positions	Dollars	Positions	Dollars
<b>Total</b>	0.0	\$0	0.0	\$0	0.0	\$0

## Analysis of Problem

### A. Proposal Summary

The State of California is 100 percent responsible for investigating and cleaning up the contamination from the Stringfellow Hazardous Waste Superfund Site (Site) in Riverside County. The Department of Toxic Substances Control (DTSC) proposes a FY 2014-15 augmentation from the General Fund of \$3.998 million; and a FY 2015-16 augmentation of \$3.398 million and a FY 2016-17 augmentation of \$2.068 million for Site Removal and Remedial Action (RRA) for USEPA-mandated Remedial Investigation (RI) and Feasibility Study (FS)-related activities at the Site as outlined in the Agreement. DTSC also proposes an ongoing General Fund augmentation in FY 2014-15 of \$1.130 million for the Site's Operation and Maintenance (O&M) activities.

USEPA's Agreement requires that the State contain all contaminants onsite and to clean up all contamination that has migrated off the site into the Chino Basin. In addition, USEPA's Agreement requires additional investigation of perchlorate contamination in the Chino Basin. The additional data is needed to determine the extent and concentration of the contamination and to determine what steps DTSC is required to take in order to prevent and clean up contamination of drinking water supplies caused by waste leaking from the Stringfellow site.

Both these provisions will require installation of a substantial number of groundwater wells and supporting infrastructure in and around the Stringfellow site. These wells will need to be sampled and analyzed on a regular basis to determine the nature of the contamination and provide data to determine further steps necessary to protect public health and the environment. Pumps will be installed with connected treatment systems in selected wells to continue groundwater clean-up.

The augmented O&M funds are required for O&M costs for activities contained in the Agreement and treatment and disposal costs for anticipated higher production from extraction wells.

### B. Background/History

The Stringfellow site is located in the City of Jurupa Valley in Riverside County. In 1983, the Site was one of the highest ranked sites on the first National Priorities List (NPL) and is being remediated in accordance with National Contingency Plan (NCP). The USEPA is the lead enforcement agency. The district court issued a final judgment against the State on September 17, 1998 and assigned the State 100 percent liability under State law and 65 percent liability under federal law. Pursuant to this judgment, the State became 100 percent liable when the State dismissed its appeal of this judgment in April 2002. The State's obligation to perform all future response actions at the Site was confirmed in an August 2002 consent decree between the State and the responsible parties. DTSC, on behalf of the State of California, has been remediating, operating, maintaining, and monitoring the Site to protect human health and the environment. In a July 2001 Consent Decree, the State obligated itself to perform all response actions that have been or will be selected for the Site, as well as paying the USEPA's future response costs. These response actions were to be embodied in a subsequent consent decree between the USEPA and the State. Rather than negotiate a judicial consent decree, however, USEPA has asked the State to enter into an administrative agreement which was signed on April 10, 2014.

The Stringfellow site remediation work is being conducted pursuant to Section 25351.8 of the Health and Safety Code. This Section states that "Notwithstanding any other provision of law, including, but not limited to, Sections 25334.5 and 25356, the department shall place the highest priority on taking removal and remedial actions at the Stringfellow Quarry Class I Hazardous Waste Disposal Site and shall devote sufficient resources to accomplish the tasks required by this Section."

Since 1983, USEPA issued four (4) Interim Records of Decision (RODs) for the Site and subsequent 5-Year Reviews. These Interim RODs and 5-Year Reviews require ongoing O&M and additional remedial activities; the primary ones being: 1) lower the water table of the Site to bedrock; 2) construct and maintain a Pretreatment Plant (PTP); and 3) control contaminated groundwater migration. As the

## Analysis of Problem

responsible party under the July 2001 and August 2002 consent decrees the State is responsible for complying with all Interim RODs and 5-Year Reviews requirements and other requirements that may be imposed by the USEPA.

In response to these Interim RODs, subsequent 5-Year Reviews, and taking over additional O&M activities at the Site, the Site's budget was augmented by \$1.492 million per year for the RRA activities and \$2.200 million per year for the additional O&M activities in FY 2007-08 (BCP #4). DTSC has completed the following response actions since the FY 2007-08 BCP was granted.

- Operation and maintenance of the three (3) groundwater extraction and treatment facilities;
- Designed and installed 2 air strippers with vapor-phase granulated activated carbon (GAC) systems at the PTP;
- Designed and implemented a supervisory control and data acquisition (SCADA) system at the PTP;
- Decreased the amount of Class 1 hazardous waste generated at the PTP;
- Installed 11 new extraction wells and 35 new monitoring wells;
- Monitored and maintained the Site's existing and new infrastructure;
- Upgraded electrical systems at Zones 2 and 3 and PTP;
- Designed and completed well telemetry at Zones 2, 3, and 4;
- Completed the Zones 1-3 Final Supplemental Feasibility Study;
- Completed studies in support of the Pyrite Canyon Treatment Facility (PCTF);
- Completed the PCTF design;
- Conducted Zone 1-3 technical impracticability evaluation;
- Completed a Zone 4 in-situ bioremediation pilot study;
- Completed a Zone 4 perchlorate risk assessment;
- Completed Zone 4 final RI for perchlorate in groundwater; and
- Completed a draft Zone 4 FS for perchlorate in groundwater.

Under a separate FY 2012-13 Capital Outlay Budget Change Proposal (COBCP), the State is constructing a new treatment facility, PCTF, at the Site to replace the existing pretreatment plant, built as a temporary facility in 1984, to comply with ROD 2. The PCTF is expected to be commissioned in September 2015.

### Stringfellow State Operations Resource History (Dollars in thousands)

<b>Program Budget</b>	<b>FY 2009-10</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>
Authorized Expenditures	11,688	11,727	11,858	11,979	11,984
Actual Expenditures	11,240	11,703	11,497	11,927	11,886
Revenues	n/a	n/a	n/a	n/a	n/a
Authorized Positions	15.0	19.0	19.0	19.0	19.0
Filled Positions	15.0	17.0	19.0	17.0	19.0
Vacancies	0	2.0	0	2.0	0

## Analysis of Problem

### C. State Level Considerations

Pursuant to the judgment, the State is 100 percent responsible for remediating the Site. This Site is listed as an NPL site. As an NPL Site, its remediation is enforced pursuant to the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) under the directions of the USEPA. Since 1996, DTSC, on behalf of the State of California, has been remediating, operating, and maintaining the Site to protect human health and the environment. Further, if there is any lapse in this process, such that there is an uncontrolled release of hazardous waste from the Site, the State could be held civilly liable, pursuant to the judgment in the *Newman v. Stringfellow* lawsuit.

The Governor and the Legislature have recognized the State's responsibility at Site by enacting Section 25351.8 of the Health and Safety Code.

Additionally, the Governor and the Legislature have approved General Funds for the Site's RRA and O&M activities in the past. The funding request in this proposal is consistent with the following goals of the Department's 2014-2018 Strategic Plan:

Goal 1: Ensure DTSC's cleanup efforts protect communities, hold responsible parties accountable, and recover DTSC's costs.

Objective 1.8 Achieve significant milestones in specific high-profile, complex site cleanup projects, including Stringfellow and the Santa Susana Field Laboratory.

CERCLA mandates that the State must assume Operation and Maintenance of a Superfund NPL site groundwater restoration remedy after the initial 10 years. As a result of this legislation, the State has assumed the O&M responsibility of the Site from 1996 onward. The current and planned Site's O&M activities will meet: 1) the USEPA's Agreement for the additional RI and FS related activities; 2) ongoing improvements in hydraulic containment systems as mandated in the Interim RODs 1 through 4 and actions recommended in the 5-Year Reviews; and 4) ongoing O&M activities for the current infrastructures and additional to-be-installed infrastructures due to the Agreement.

The residents of the City of Jurupa Valley, local environmental groups, and the local and state representatives strongly support the remediation of the Site.

### D. Justification

The State of California has been found to be 100 percent responsible for the past and future operation and remediation of the Stringfellow Superfund site. The work proposed to be funded by this Finance Letter would allow DTSC, on behalf of the State, to continue to perform essential RRA and critical O&M activities at the Site. This would maintain essential protection from the environmental threats from the Site that the community of Jurupa Valley demands. The RRA and O&M activities are essential for the ongoing remediation of the Site and to prevent potential future release of hazardous waste.

Significant work has been completed to protect public health and the environment at the Site. This work, including the O&M of the Site, has been completed as set forth in the four Interim RODs issued by USEPA since 1982. A brief scope of work of each Interim ROD is listed below:

- Interim ROD 1 (1983): Fencing of the Site, extraction and off-site disposal of contaminated groundwater and erosion control.
- Interim ROD 2 (1984): Design, construction and operation of the Pretreatment Plant (PTP), operated by USEPA from 1986 to 1996.
- Interim ROD 3 (1987): Design and installation of a barrier system in Zone 3 and construction of additional surface water control features.
- Interim ROD 4 (1990): Lower the water table in the original disposal area (Zone 1) with groundwater extraction system, and install groundwater extraction system in the community area to contain the plume.

## Analysis of Problem

The Agreement scope of work contains the key items listed below; including a Zone 4 Data Gap Investigation and FS related activities. Interim ROD 4 and the 5-Year reviews also require ongoing optimization of existing hydraulic containment systems.

### **Fiscal Year 14-15 RRA Activities:**

- Prepare several work plans for future tasks, including project management plan, operations and maintenance plan, site security plan, health and safety plan, data management plan, data gap sampling and analysis plan, modeling recalibration plan, groundwater monitoring plan;
- Conduct Zones 1-4 field investigation to define the lateral and vertical extent of perchlorate and other emerging contaminants with approximately 25 new monitoring wells and extensive sampling efforts and aquifer pumping tests;
- Sampling of all site monitoring wells, piezometers, and domestic wells;
- Evaluate background perchlorate and other emerging compounds, including isotope geochemistry analysis to differentiate various synthetic sources of perchlorate and hexavalent chromium from various other offsite sources;
- Revise human health and ecologic risk assessments for newly identified emerging contaminants including hexavalent chromium;
- Revise Zones 1-3 Supplemental FS, and perform additional capture studies and install monitoring/extraction wells in Zones 1 and 4 to enhance hydraulic containment of the groundwater plumes; and
- Pay for the USEPA and its contractors' regulatory oversight activities.

### **Fiscal Year 2015-16 RRA Activities:**

- Conduct additional Zones 1-4 field investigation to define the lateral and vertical extent of perchlorate and other emerging contaminants with approximately 10 new monitoring wells and extensive sampling efforts and aquifer pumping tests, and surface water sampling;
- Sampling of all site monitoring wells, piezometers, and domestic wells in accordance with revised monitoring plan;
- Evaluate background perchlorate and other emerging contaminants, including isotope geochemistry analysis to differentiate various synthetic sources of perchlorate and hexavalent chromium emanating from various other offsite sources;
- Continue revision of the human health and ecologic risk assessments for newly identified emerging contaminants including hexavalent chromium;
- Prepare Data Gap Analysis Report;
- Develop a Zone 1-3 computer-generated groundwater model to simulate movement of perchlorate and newly identified emerging contaminants, including but not limited to, hexavalent chromium, Complete Zones 1-3 Supplemental FS;
- Recalibrate Zone 4 groundwater model with new data and simulate remedial alternatives;
- Start Revisions to Zone 4 FS;
- Continue capture studies and install monitoring/extraction wells in Zones 2, 3 and 4 to enhance hydraulic containment of the groundwater plumes; and
- Pay for the USEPA and its contractors' regulatory oversight activities.

## Analysis of Problem

### Fiscal Year 2016-17 RRA Activities:

- Sampling of all site monitoring wells, piezometers, and domestic wells in accordance with revised monitoring plan;
- Conduct additional Zones 1-4 field investigation to define the lateral and vertical extent of perchlorate and other emerging contaminants with approximately 5 new monitoring wells, sampling and aquifer pumping tests, soil sampling, and surface water sampling;
- Evaluate background perchlorate and other emerging contaminants; including isotope geochemistry analysis to differentiate various synthetic sources of perchlorate and hexavalent chromium emanating from various other offsite sources;
- Complete Zone 4 Data Gap Analysis Report;
- Complete Zone 4 FS;
- Continue capture studies and install monitoring/extraction wells in Zones 2, 3 and 4 to enhance hydraulic containment of the groundwater plumes; and
- Pay for the USEPA and its contractors' regulatory oversight activities.

## Analysis of Problem

Table 1 displays details of RRA augmentation request.

**Table 1  
Stringfellow Hazardous Waste Site  
Removal and Remedial Action Contracts Only**

	<b>RR Activity Description</b>	<b>FY14-15</b>	<b>FY15-16</b>	<b>FY16-17</b>	<b>Technical Basis</b>
1	Develop workplans and conduct additional field investigations including approximately 40 new or deepened wells and aquifer pumping tests, isotope sampling	\$2,900,000	\$1,800,000	\$1,400,000	Interim RODs 1-4 and USEPA Agreement
2	Evaluate background perchlorate and other emerging contaminants	\$830,000	\$300,000	\$200,000	USEPA Agreement
3	Revise human health, COCs lists, and ecologic risk assessments for emerging contaminants	\$0	\$840,000	\$200,000	USEPA Agreement
4	Zone 4 data management and data gap investigation report	\$300,000	\$450,000	\$300,000	USEPA Agreement
5	Develop workplans, and recalibrate computer-generated groundwater models, simulate remedial alternatives	\$200,000	\$450,000	\$200,000	USEPA Agreement
6	Revise Zones 1-3 and 4 Feasibility Studies	\$350,000	\$350,000	\$600,000	USEPA Agreement
7	Conduct additional capture studies, monitoring wells, and extraction wells to enhance hydraulic containment of groundwater plumes in Zones 1-3	\$460,000	\$460,000	\$360,000	Interim RODs 1-4 and USEPA Agreement
8	USEPA and its contractors' regulatory oversight activities	\$450,000	\$240,000	\$300,000	Interim RODs 1-4 and USEPA Agreement
9	<b>TOTAL</b>	<b>\$5,490,000</b>	<b>\$4,890,000</b>	<b>\$3,560,000</b>	
10	Current Annual Appropriation (contract only)	<\$1,492,000>	<\$1,492,000>	<\$1,492,000>	
11	<b>Unmet Need- Requested contract augmentation for Removal and Remedial Activities</b>	<b>\$3,998,000</b>	<b>\$3,398,000</b>	<b>\$2,068,000</b>	

## Analysis of Problem

### Increased O&M Activities:

- The Agreement mandates additional infrastructure that will require additional O&M funding. O&M costs for Agreement -related infrastructure will be \$230,000 per year.
- An augmentation of \$900,000 per year for treatment costs due to increased production (50 gallons per minute) from the Zones 1-4 extraction wells.

Table 2 presents the O&M budgets projections.

**Table 2  
Stringfellow Hazardous Waste Site  
Operation and Maintenance Contracts Only**

	<b>Operation and Maintenance Activity Description</b>	<b>Annual Budget</b>	<b>Technical Basis</b>
1	Annual contract appropriation for 1) routine and non-routine O&M activities; 2) groundwater monitoring; 3) maintaining the monitoring well network; 4) maintaining the Stringfellow database; 5) performing independent laboratory QA/QC; and 6) performing A&E support for O&M activities.	\$7,700,000	Current ongoing appropriation
2	O&M costs for activities mandated by the USEPA Agreement	\$230,000	Estimated based on past experience and upcoming activities
3	Treatment and disposal costs for to-be-increased production of contaminated groundwater	\$900,000	Estimated based on past experience and upcoming activities
4.	<b>Total</b>	<b>\$8,830,000</b>	
5	Current annual appropriation (contract only)	<del>\$7,700,000</del>	
6	<b>Unmet annual budget need - Requested annual contract augmentation for O&amp;M activities (Spring Finance Letter)</b>	<b>\$1,130,000</b>	

The RRA and O&M activities are essential to meet the mandate of the four Interim RODs issued by the USEPA. According to the 1988 Stringfellow Draft FS, it will take over 400 years to remediate this Site. The RRA and O&M activities supported by this proposal cannot be postponed or delayed without risking uncontrolled releases of hazardous waste from the Site. Should an uncontrolled release of hazardous waste occur; the State is 100 percent responsible for taking remedial action.

The O&M for the three treatment facilities at the Site have consistently produced treated effluent that meets or exceeds the stringent discharge standards set in their respective permits. The only exception to the permit compliance occurred in 2003 when, due to an operator error, a discharge of treated effluent occurred, with concentrations exceeding the permitted level. In response, DTSC instituted several corrective measures to ensure that permit standards are maintained at all times. Treatment processes selected for these facilities are technologically sound to meet the respective permit standards.

Over the years, DTSC has significantly reduced the contaminated filter cake production (Class 1 Hazardous Waste Stream) from 200 tons per month to 120 tons per month, which is consistent with DTSC's goal to reduce the generation of hazardous waste in California.

This proposal does not seek any new positions. The workload activities are balanced such that they can be completed by existing staff.

## Analysis of Problem

### E. Outcomes and Accountability

1. DTSC will implement the requirements of the negotiated Agreement expeditiously and in a transparent manner while complying the State laws and regulations and remaining judicious about the expenditures;
2. DTSC will perform O&M of the three treatment facilities and maintain compliance with the respective permits. DTSC will monitor and carry-out activities to maintain the Site infrastructures;
3. DTSC will perform RRA activities to comply with the requirements of the existing Interim RODs and 5-year Reviews and the Agreement; and
4. DTSC will expend appropriated funds in a cost effective manner.

Since 1996, DTSC has been conducting the day-to-day O&M and RRA at the Stringfellow Site. DTSC has developed detailed implementation plans for operating, monitoring, and maintaining the site facilities. These plans provide detailed scope of work and performance criteria and have been used to solicit bids to select lowest responsible contractors in compliance with the State Administrative Manual (SAM) requirements. These bids solicit firm, fixed, unit price for hundreds of O&M-specific activities for conducting routine and non-routine work at the Site. For the unexpected site activities or remedial actions, DTSC enters into direct negotiation with the contractor(s) on the procedures and considerations required to obtain best value for cost-reimbursable items and services. The considerations required to obtain best value may include, but not be limited to: cost, innovative and technological advances, vendor experience and availability. Whenever possible, the negotiated rates billed for cost-reimbursable items and services are based on rates that are no greater than the contractor's usual and customary rates for most-favored customers. DTSC enters into sole-source contract(s) with specialized contractor(s) only when it is in the best interest of the State. DTSC monitors the progress, performance, and budget for all contracts. DTSC controls the expenditures by authorizing activity-specific budgets with detailed scope of work and performance criteria.

DTSC produces a monthly report for the Site's O&M activities, bi-annual report for groundwater monitoring activities, and annual report for documenting summary of the remedial systems, remedial systems performance, extraction and monitoring systems performance, and maintenance activities and meteorological data. Appropriate reports or portions thereof are provided to the USEPA, permitting agencies, and other stakeholders. Key documents have been uploaded onto the Envirostor (a website where public may access without needing a password).

### F. Analysis of All Feasible Alternatives

**Alternative 1:** Do nothing – Walk away from the Site - and let the USEPA take enforcement action or perform all response actions itself.

Pros:

- It will delay expenditure of the State's funds, including the currently established budget, until future years.

Cons:

- The USEPA would take a highly publicized enforcement action against the State to meet its obligation under CERCLA and NCP, including but not limited to the requirements of the previous Interim RODs, July 2001 Consent Decree, 5-year Reviews, and the Agreement, to remediate the Site for which the State is 100 percent liable.
- The State will spend millions of dollars to defend itself in response to the USEPA's vigorous enforcement action(s).
- DTSC will not be able to comply with Section 25351.8 of the Health and Safety Code.

## Analysis of Problem

- The State likely would receive significant criticism from the community, local representatives, the Legislature and the press.
- The USEPA could opt to take a lead role to remediate the Site by performing all activities and then recover all its expenditures from the State, including interest. Alternatively, the USEPA may elect to issue a unilateral order directing the State to perform the work and to reimburse the USEPA for its costs, including oversight costs. The State will expend funds to defend itself in addition to paying the USEPA.
- If a hazardous waste release from the Site occurs, it could trigger reopening the *Newman v. Stringfellow* lawsuit since the State has been found to be 100 percent liable for the remediation of the Stringfellow Hazardous Waste Site. The State would spend millions of dollars in legal costs.
- The State would not be able to maintain the level of protectiveness from the adverse impact of the toxic waste at the Site to the community of Jurupa Valley and the environment.
- The State and DTSC would lose the leadership role that it has rightfully earned over the last several years to protect the public and environment.
- The State would lose a significant amount of public confidence in the management of the Stringfellow Hazardous Waste Site.

### **Alternative 2:** Perform O&M Activities and let USEPA perform Agreement Activities

#### Pros:

- It will delay expenditure of RRA portion of the requested funds until future years.

#### Cons:

- Critical RRA activities will be delayed, potentially delaying the completion of Zone 4 FS and the final ROD the USEPA wants to issue.
- The State will be subject to a highly publicized enforcement action(s) by the USEPA for non-compliance with CERCLA, NCP, and July 2001 Consent Decree. USEPA could opt to perform the RRA activities required under the Agreement and then recover all its expenses from the State, including interest. Alternatively, the USEPA may elect to issue a unilateral order directing the State to perform the work and to reimburse the USEPA for its costs, including oversight costs.
- The State will incur significant legal fees in response to the USEPA vigorous enforcement action(s).
- DTSC will not be able to comply with Section 25351.8 of the Health and Safety Code.
- The State will not be able to maintain the level of protectiveness from the adverse impact of the toxic waste at Stringfellow Site to the community of Jurupa Valley and the environment.
- The State and DTSC would lose the leadership role that it has rightfully earned over the last several years to protect the public and environment.
- The State would not be able to complete the Zones 1-3 Supplemental FS.

## Analysis of Problem

- The State will lose the trust of the community that it has built over the last several years by effectively managing the Site.
- The State will receive significant criticism from the community, local representatives the Legislature, and the press.
- The USEPA may undertake the Zone 4 FS activities and may select a more-costly remedy for the Site in the Final ROD. The State will have minimal influence to minimize its long-term obligations. Besides, the State would end up paying up all the money the USEPA will spend with interest plus its oversight cost since the State has been found to be 100 percent liable for the Stringfellow Site.
- The State would most likely be compelled to perform the work by a unilateral order, but under a highly adversarial relationship with the USEPA and the community. This will increase the transaction costs.

**Alternative 3:** Appropriate Requested Funds to Comply with Agreement Requirements and Perform Essential RRA and Critical O&M Activities.

### Pros:

- The State will continue to maintain compliance with the requirements of CERCLA and NCP.
- The State would comply with the Agreement from the USEPA and fulfill Agreement requirements.
- The State will maintain compliance with Section 25351.8 of the Health and Safety Code.
- The State would continue to operate and maintain the Site in a safe, protective manner
- The State would be able to complete the Zone 4 FS for the Site in accordance with the Agreement.
- The State would be a proactive responsible party with other stakeholders in the formulation of the final ROD and protect its interest to minimize State's long-term obligations.
- The potential for releases of contamination from the site will be minimized.
- The potential for the State being subject to new, or re-opened third-party damage lawsuits will be minimized.
- USEPA would have no basis for initiating further enforcement action against the State.
- The State would continue to control the initiative at the site and command support from the community, the Legislature, and environmental groups.
- The State would maintain its leadership role for protecting the public and environment.

### Cons:

- The State will allocate from the General Fund an additional \$3.998 million RRA Funding for FY 2014-15, \$3.398 million for FY 2015-16, and \$2.068 million for FY 2016-17 and \$1.130 million ongoing for O&M for completing the essential RRA and critical O&M activities.

## G. Implementation Plan

Staffing and contract mechanism are already in place to carry-out the proposed scope of work expeditiously and in a transparent manner while complying with State laws and regulations and remaining judicious about the expenditures. Since 1996, DTSC has been conducting the day-to-day O&M and RRA activities at the Stringfellow Site. DTSC has developed detailed implementation plans

## Analysis of Problem

for RRA and O&M activities for the Site facilities. These plans will provide detailed scope of work and performance criteria. DTSC will monitor the progress and performance for all contracts. DTSC will control the expenditures by authorizing activity specific budget with detailed scope of work, deliverables, and performance criteria.

### H. Supplemental Information (Check box(es) below and provide additional descriptions.)

None     Facility/Capital Costs     Equipment     Contracts     Other \_\_\_\_\_

The additional contract funds will enable DTSC to remediate the Site in a cost-effective and efficient manner while reducing the State's long-term liability and promoting the State's leadership

### I. Recommendation

Alternative 3 is recommended based on the critical need to remediate one of the most-contaminated hazardous waste sites in California, for which a State is 100 percent liable. The recommended alternative will comply with the Agreement and will meet the requirements of Section 25351.8 of the Health and Safety Code. This alternative is also consistent with DTSC's mission to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation, and pollution prevention. This alternative provides for additional contract funds and maintains the existing level of resources historically assigned to the Stringfellow site.