

From: [Phil Chandler](#)
To: [Singh, Mike@DTSC](#); [Rohlfes, Larry@DTSC](#)
Subject: CLOSURE ROLL-OVER
Date: Wednesday, July 13, 2016 2:03:58 PM

I am requesting the Independent Review Panel (IRP) to evaluate DTSC's adherence to the closure regulations in 6.5. Specifically, there have been numerous instances of DTSC "clean closing" the surface structures of an individual hazardous waste management unit (HWMU) and rolling known soil and groundwater contamination over into corrective action. In addition to the obvious cheating on closure Assurance of Financial Responsibility, the practice simply ignores the regulatory definition of closure under DTSC's RCRA-equivalent regulations which requires that closure address the unit and releases from it as part of closure. There is no provision for "clean" closing a unit while leaving contaminated media---soil and ground water in place. Where such contamination cannot be cleaned in a reasonable time, the facility must provide post-closure care---and the necessary AFR for it. Anything else risks cheating the public. I provide an example of an old situation below:

BOING SATELLITE SYSTEMS BUILDING S-13 FORMER TANK SYSTEMS (SWMU-1)

Four underground solvent tanks (one each containing waste isopropyl alcohol, virgin isopropyl alcohol, waste trichlorotrifluoroethane and virgin trichlorotrifluoroethane) were removed from the ground in February 1989 and were subsequently replaced with four vaulted underground storage tanks. Two of the tank systems purportedly contained only virgin isopropyl alcohol (IPA) and trichlorotrifluoroethane aka 1, 1, 2-Trichloro-1, 2, 2-trifluoroethane (Freon-113) and two were alleged to contain only spent IPA and Freon 113. The UST systems were removed in 1992 under the direction of the Los Angeles County Department of Public Works (LADPW). Unlike the former waste solvent tanks, the vaulted waste solvent tanks were operated under generator status only (storing material less than 90 days). DTSC noted in the 1994 public notice of a revised RCRA Closure Plan for both the Building S-13 former UST systems and the former vaulted tank systems, that wastes generated during manufacture and assembly of satellite communication hardware and electronic components included halogenated and non-halogenated solvents. During the UST removals, subsequent subsurface investigations, and RCRA closure activities, IPA, acetone, benzene, TCE, PCE, cis-1-2-DCE and Freon 113 were found in the soil at the excavations. Hughes Space and Communications Company (Hughes) waste tanks were not only permitted to store wastes containing benzene, TCE, PCE, or cis-1-2-DCE. Between 1992 and 1995/1997 a vapor extraction system was designed and after a revised RCRA Closure Plan approved, used to remediate the former USTs. The four-vaulted underground tanks were also closed. Hughes contended during and after the closure process that it had never discharged PCE, TCE, cis-1, 2, DCE, or benzene to any of the former waste solvent tanks of the "Building S-13 systems". However, such waste discharge, was demonstrated by soil matrix and soil gas sampling at Building S-13 former tank systems, consisted of not only IPA and Freon 113, but also substantial concentrations TCE, cis-1,2-DCE, and PCE were encountered. Moreover, TCE, cis-1, 2,-DCE PCE, Freon-113 and chloroform have been reported continuously from groundwater samples at MW-1 immediately downgradient from former UST systems. I wrote a memorandum at the time in which I linked the soil and groundwater contamination and recommended that Hughes be required to provide post-closure care. The memorandum was filed as "confidential" by my then-Branch Chief and the Building S-13 tank systems were "clean closed" without addressing the groundwater contamination and the issue of where the TCE, 1-2-DCE, and PCE came from was deferred to subsequent corrective action. It is unclear as to whether "Permitting" ever addressed the entire tank systems in the closure (tank systems include all associated piping and sumps, etc. that convey hazardous waste to the tanks) However, "Permitting" subsequently determined that any additional assessment of the S-13 UST area was not necessary, and in November 2006, DTSC and Boeing entered into a Corrective Action Consent Agreement (CACA) which excluded such work. In essence, closure concerns over the TCE, cis-1, 2-DCE, and PCE were deferred to corrective action and then excluded from corrective action by the CAC. A fascinating bit of sophistry by then-Permitting Program

DISCLAIMER

The IRP needs to know by way of disclosure, I work for DTSC in the Brownfields and Environmental Restoration Program (BERP) at Chatsworth. Moreover, I evaluated the Building S-13 HWMU Closure work in the mid-1990's as part of the "Permitting" program at DTSC and prepared several memoranda, as stated above; I currently work in BERP and staff responsible for corrective action at the site reports to me. However, this communication is written as

a member of the concerned public not as a State of California employee, not as a supervisor within BERP, and specifically not as the project manager's supervisor.

REQUESTS

General

I request the IRP to require DTSC to examine its historic RCRA-unit closures for evidence of this practice and to determine how many of these bogus closures still actually should have post-closure care.

Boeing Specific

I request that IRP forward my specific concerns to the "Permitting Program" and for THEM---not BERP--- to address the Building S-13 former tank systems by rescinding the "Permitting Program's" 1996 Closure Certification acknowledgement and then for THEM---not BERP--- to require post-closure care through a permit based on the continued presence of Building S-13 UST system waste discharge constituents in the downgradient monitoring wells for over 20 years. I further request THEM---not BERP--- to rescind the confidential designation on my 22-year old memorandum and place it in the open files.

Thank you for your consideration.

Philip B. Chandler
4501 W. Channel Islands Blvd., Unit 86
Oxnard, CA 93035
Oxnard (805) 382-3365
Topanga (310) 455-1962
philipbchandler@earthlink.net