



February 18, 2015

Steven Hariri, Project Manager
Department of Toxic Substance Control
5796 Corporate Ave., Cypress, CA 90630

Dana Barton, Superfund Section Chief
United States Environmental Protection Agency
75 Hawthorne Street, San Francisco, CA 94105

Regarding: Ecology Control Industries (ECI) – Torrance, CA

Dear Mr. Hariri,

Thank you for meeting with us. We have included the United States Environmental Protection Agency (USEPA) in this correspondence as we are unclear how this site went from a Federal Superfund site to a Voluntary Cleanup site; now under supervision of the Department of Toxic Substances Control (DTSC). We look forward to your responses and additional requested documentation. When received and reviewed we would like to meet with you and USEPA so we may all understand together, the state of the site. Florence Gharibian has spent many hours reviewing information on this site for the Del Amo Acton Committee and compiling our initial comments in draft (non-final) form. We wanted to send them to you now, in draft, so we can work together on a transparent process that will ensure our communities are protected.

On January 27, 2014, Steven Hariri, Department of Toxic Substances Control (DTSC) Senior Hazardous Substances Engineer and Scott Warren, Senior Geologist met with Cynthia Babich, Executive Director, Del Amo Action Committee (DAAC), Cynthia Medina, resident of the residential community adjacent to the ECI site and DAAC Assistant Director and Florence Gharibian, DAAC Board Chair to discuss a draft Remedial Action Workplan (RAW) for the Ecology Control Industries (ECI) Property located at 20846 Normandie Ave., Torrance, California.

Mr. Hariri told the meeting participants that the public comment period for the draft Remedial Action Workplan for ECI ended on December 15, 2014. Mrs. Babich said that she had requested a 60 day extension of the public comment period in writing on December 10, 2014 (attached). Mr. Hariri said that he welcomed our comments on the project; we should try and provide those comments in one to two weeks. It was gracious of Mr. Hariri to express his willingness to receive our comments. It is also important that the comments be included in the public record as comments on the draft ECI Remedial Action Workplan.

Under the proposed RAW 10,000 – 20,000 cubic yards of contaminated soil would be removed from the eastern portion of the ECI property (no map is

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provided in the RAW showing the property included in the RAW). The excavation and removal of large volumes of soil will take place on a property located directly adjacent to a residential community. Documents regarding the ECI property indicate that the USEPA determined that pesticide contamination in eastern portion of the ECI property probably came from storm water runoff from the Montrose Chemical property when Montrose was operating. Now the Montrose property is a federal Superfund site. In November 2005 the USEPA ordered ECI and two other parties to remove soil previously excavated on the eastern end of the ECI property. The soil was originally excavated as part of a due diligence process required if ECI sold the property. The USEPA ordered removal of the soil because dust and storm water could cause migration of the contaminants in the soil to the adjacent residential community. The USEPA order required the removal and legal disposal of the excavated contaminated soil. The USEPA issued press release at the time indicating that 5,000 tons of soil would be removed from the site and transported to the US Ecology hazardous waste site in Beatty, Nevada. The cost of the removal, transportation and disposal of the soil was \$1,700,000. The State of Nevada approved disposal of the soil at the US Ecology site.

A document authored by Sharp Environmental Technologies entitled ECI Technical Memorandum, Supplemental Site Investigation dated December 9, 2014 said that the 5,000 tons of soil were thermally treated and disposed. The document does not provide information regarding where the soil was taken. Was the soil taken to US Ecology in Nevada as mentioned in a press release from USEPA on the ECI site?

Under the current draft RAW a significantly higher volume of soil will be excavated and removed from the property. The estimate of the amount of soil that will be excavated and removed is 10,000 to 20,000 cubic yards. 10,000 cubic yards would be approximately 12,000 tons, over twice the amount of soil excavated in 2005. A transportation plan provided as part of the RAW lists several facilities where the soil may be transported. The majority of the facilities are not permitted to accept hazardous wastes. In fact the document states that the soil will be transported and disposed as non-hazardous waste. The following is a quote from the ECI RAW:

The contaminated soil will be handled and transported as nonhazardous waste for recycling at one of the proposed facilities listed in the transportation plan. The final determination will be made once prior to commencement of the excavation.

The second sentence in the quote is unclear. The public notice does not accurately describe what is proposed. The project will involve at least 1200 large trucks coming in and out of the ECI facility. It will involve the excavation of a large volume of presumably contaminated soil in an area of the property directly adjacent to a residential community. The impact on that community and the community across the street from the ECI property will be significant.

This letter summarizes our initial comments, questions and concerns regarding this project. We are concerned about the welfare of the people living in the neighboring communities should this project go forward. Our correspondence articulates deficiencies in the RAW document. The RAW describes a poorly planned and inadequate remediation process.

In preparing this comment letter Florence Gharibian reviewed DTSC documents concerning the Voluntary Cleanup Program and the requirements for Remedial Action Work plans posted on the DTSC web page. The limited documents are not current. They provide limited information on the requirements for a voluntary clean up. The comments in this letter are based on review of the ECI documents, Florence's extensive experience with DTSC and the requirements outlined in the California Health and Safety Code.

Effective Public Participation

The California Health and Safety code requires effective public participation on Remedial Action Workplans. It requires the preparation of a community profile to determine the level of public interest in the removal action. It also requires a process to keep the community informed of project activity and to provide meaningful opportunities for public comment which may include a public meeting.

Please provide a copy of the community profile for the ECI project.

As mentioned earlier this letter must be included in the record of public comments on the RAW. Cynthia Babich sent a request for a 60 day extension of the public comment period for the ECI RAW to Tim Chauvel. Mr. Chauvel asked Mrs. Babich to put her request in writing. Mrs. Babich made the written request on December 10, 2014. DTSC did not respond to this request.

Mrs. Babich did not receive the notice of the public comment period on the project and was not aware of the project until she was informed by a resident living near the site. It is difficult to understand why she didn't receive the notice. Mrs. Babich and the Del Amo Action Committee have worked on the Montrose Superfund site for many years. The Montrose site is ½ mile from the ECI site and storm water runoff from the site is identified as one of the major sources of contamination on the ECI site.

The bulletin announcing the public comment period said the public comment period began on November 12, 2014 and closed on December 15, 2014. The Supplemental Investigation Document useful in understanding the contaminants at the site, data gaps and potential health effects was finalized on December 9, 2014. The RAW document provided by Steve Hariri at my request is dated December 17, 2014.

Should we assume that the two documents were finalized after the public comment period opened?

Were these documents the same documents referred to in the public notice?

We are requesting copies of the documents released on November 12, 2014 referenced in the public notice announcing the ECI public comment period.

Description of the "Site"

Steve Hariri told us that ECI plans to sell their Torrance property to a residential developer. While the property is now zoned industrial it is anticipated that the Los Angeles County Planning Department will agree to change the zoning to residential.

Is it possible that the clean-up described in the RAW could be misrepresented to potential home buyers?

Could the RAW be represented as one involving the complete removal of all chemicals of concern on the entire ECI property?

The description of the part of the property where the excavation will occur in the ECI documents is unclear. The cover page of the Technical Memorandum, Supplemental Site Investigation includes a photo of the entire ECI site. The introduction to the Supplemental Technical Report gives three addresses on Normandie as the property. The introduction says that all three property addresses will be referred to as the "site". The introduction to the RAW identifies the soil removal as being the part of the ECI property along the eastern property boundary. No map is provided in the RAW to define the exact area defined as the eastern portion. The RAW provides a section describing the site. The following statement is from the RAW:

2. SITE DESCRIPTION

The site is located at 20846 Normandie Avenue in Torrance, California 90502 (Figure 1). The ECI property comprises of four parcels identified by Los Angeles County Assessor numbers 7348020-003, 004, 007, and 008.

The site consists of a 9.01-acre property currently occupied by ECI as a vehicle and equipment dispatch yard and a temporary hazardous and non-hazardous waste storage facility. The subject site contains one 5,400-square foot building located along the northern property line and is approximately 90 percent covered with either concrete or paved asphalt, with the remaining area consisting of unpaved soils (Figure 2).

The introduction to the RAW defines the scope of the RAW as all actions associated with the removal of soils on the eastern boundary of the ECI property. The RAW does not include a map or other information to adequately describe what portions of the ECI property would be included in the removal action. How can DTSC have any idea of the scope of the proposed soil excavation from the information included in the RAW? The lack of clarity on this issue is unacceptable.

This misleading information regarding the definition of the site is of utmost importance. The three addresses of the ECI property were owned by the AKZO adhesives company before they were purchased by ECI. The AKZO company used "numerous" underground storage tanks to store solvents. The tanks were subject to a clean-up under the direction of the Los Angeles Regional Water Quality Control Board in the 1990's. A soil vapor extraction system was installed on the portion of the property where the tanks were located to remediate soil vapors from a toluene tank that leaked. Florence searched for any information regarding how many underground storage tanks were at the AKZO facility, what solvents the tanks contained and information on removal of the tanks. This information was not included in the ECI documents. We recognize that the Water Board did certify that the SVE system had removed soil vapors in 1996. We are concerned that the underground tanks are still on the property and that contaminated soil may still be present.

Does DTSC have information on the underground storage tanks?

Also, ECI is a hazardous waste transporter that "temporarily" stores waste.

Does DTSC have any information on spills that might have occurred during ECI's operation?

The December 9, 2014 Technical Memorandum and Supplemental Site Investigation document includes comments on the need for additional information on the northwestern and the western half of the southern property of the ECI site. The document goes on to say that “Although soil and soil gas at the site in general has been investigated multiple times since the initial toluene spill report in 1984, the subsurface conditions of the northwestern property have never been addressed.” The report recommends additional vertical delineation of VOC’s. This recommendation is made based on elevated concentrations of VOC’s in the soil gas. It specifies PCE, TCE, benzene and ethyl benzene that may present at level of risk at the site.

Property Ownership

It is important to identify the owners of a contaminated property. The December 9, 2014, Technical Memorandum-Supplemental Site Investigation document prepared by Sharp Environmental Technologies states that the ECI property is partly owned by Mr. Ron Flury. The eastern portion of the property is owned by 20646 Normandie LLC. No information is provided in the documents delineating the portion of the property owned now by the Limited Liability Corporation. Mr. Ron Flury is identified as ECI’s Chief Executive Officer. The draft RAW must delineate the portion of the property owned by Mr. Ron Flury and the portion now owned by the 20646 Normandie LLC. The property owners must be clearly identified, maps etc. in the RAW.

Who owns 20646 Normandie LLC?

Soil Characterization

The Health and Safety Code requires information on the health and safety risks posed by the conditions at the site. I reviewed a number of documents on the contaminants on the site and the potential health impacts from the contaminants. Information from some of these documents was included in the draft RAW.

It is important to understand that a document evaluating the potential human health impacts of the contaminants found on the eastern portion of the ECI site was completed at the request of the USEPA in August 2010 (Final Human Health Risk Assessment, Historic Stormwater Pathway, South Ecology Control Industries Property, Innovative Technical Solutions). It is also important not to assume that this risk evaluation addressed the entire ECI property. In fact it only addresses a 0.75 acre portion of the property.

The RAW includes the following:

Additional samples may be collected for laboratory analysis of the soil stockpiles if it is determined that excavation samples and recent field laboratory data are not sufficient for disposition. The actual number of additional samples collected will depend on the amount of soil excavated and the requirements of the selected disposal or recycling facility.

Excavated soil that exceeds the cleanup goals for this site will be transported off-site for recycling or disposal at an approved facility. Laboratory analytical results from the excavation, stockpiles, and shallow soil samples will be provided to the waste disposal contractor to profile the material for recycling or disposal. As stated above, additional laboratory analysis may be required.

In other words the primary criteria for soil sampling will be the soil sampling needed to get a facility to accept the soil for disposal. Since most of the facilities listed in the transportation plan

included in the RAW are facilities that do not accept hazardous wastes this is an important issue. The work plan discusses the use of drums for storage of hazardous wastes, labeling requirements, etc. and it discusses the information required on a hazardous waste manifest, signing etc. Unfortunately the document includes the following statement which essentially nullifies the relevance of a discussion of manifesting, drums, etc.

The contaminated soil will be handled and transported as nonhazardous waste for recycling at one of the proposed facilities listed in the transportation plan. The final determination will be made once prior to commencement of the excavation.

The RAW document states that final determination of a facility that will accept the soil will be made prior to beginning the soil excavation.

- The document does not provide any information on how this decision will be made.
- It does not provide any substantive information on what analytical tests would be performed on the grab or composite samples if they were taken.
- It does include a section on how sample containers would be labeled.

In reviewing the document I wonder if information is presented to deliberately give the impression of an adequate document when in fact substantive information is not included.

The RAW does not specify the portion of the site where soils will be excavated.

- It does not include a map showing the areas.
- It does not specify why some soils would be removed, what criteria those soils are anticipated to exceed.

The public bulletin provided on the project says the soils will be excavated and segregated.

- The RAW does not describe why the soils would be segregated.
- It does not describe in any detail a process to do additional soil analysis.

The work plan acknowledges that elevated levels of pesticides and PCB's were detected in the proposed excavation area during previous site assessments. It also acknowledges that the impacted soil is proposed to be excavated and disposed off-site and therefore must be classified before off-site disposal. The work plan goes on to say that data from previous investigations indicates that all soil to be excavated is preliminary classified as non-hazardous waste. The document discusses STLC and TCLP limits. It doesn't explain why STLC and TCLP limits are relevant. No other analytical tests are mentioned.

The document also discusses compliance with SW 846 and the use of grab and composite samples. Unfortunately no other information regarding how sampling will be done is provided in the document.

- It does not provide any information on the criteria, soil conditions etc., which would require sampling.
- It does not provide any information on the number of samples needed, would grid sampling be done, etc.

A statement concerning field observations in the document does not provide any information regarding how field observations would be relevant.

What conditions might be present that could be identified through field observations?

How would these observations result in additional soil sampling?

The following is language from the RAW on sampling:

Additional samples may be collected for laboratory analysis of the soil stockpiles if it is determined that excavation samples and recent field laboratory data are not sufficient for disposition. The actual number of additional samples collected will depend on the amount of soil excavated and the requirements of the selected disposal or recycling facility.

Excavated soil that exceeds the cleanup goals for this site will be transported off-site for recycling or disposal at an approved facility. Laboratory analytical results from the excavation, stockpiles, and shallow soil samples will be provided to the waste disposal contractor to profile the material for recycling or disposal. As stated above, additional laboratory analysis may be required.

Data on the contaminants found on the eastern portion of the ECI site is available. In 2005 ECI had an environmental assessment done. The soil removed from the eastern portion of the site was based on the data from this assessment. This is the soil 5,000 tons of soil that the USEPA ordered ECI and two other parties to remove from the site. After this soil was removed sampling was done in the area of the excavation. Following is information on the contaminants found in the excavated area:

In 2005, ECI commissioned implementation of an Environmental Site Assessment (ESA) at its property for real estate divestiture purposes. HAI was contracted by ECI to perform the work and collected and analyzed over 200 soil samples from the entire ECI property from February to June 2005. ECI excavated soil in areas where the results of the initial soil sampling indicated chemical concentrations above residential human health standards. HAI performed confirmation soil sampling at ECI from March to June 2005. During investigation of the ECI site, the resulting laboratory analyses reported the detection of a number of pesticides including: DDT, DDE, DDD, benzene hexachloride (BHC: alpha, beta, delta, and gamma isomers), chlordane (alpha and gamma isomers), dieldrin, endrin aldehyde, endrin ketone, heptachlor and heptachlor epoxide, and toxaphene. The laboratory reported the detection of TPH as diesel fuel and motor oil ranges, and the detection of PCBs, specifically Aroclors 1254 and 1260.

As reflected above several contaminants were found in the eastern portion of the site after the previously excavated soil was removed. It is also important to understand that the USEPA did not focus on the PCB contamination because the PCB contamination was not there as a result of the Montrose storm water runoff. It is difficult to understand how DTSC could be in agreement with the disposal of this soil as non-hazardous.

We are asking for written answers to the following questions.

Is the Department of Toxic Substances Control in agreement with the designation of non-hazardous for the contaminated soil that will be excavated from the site based on the data collected in previous investigations and provided to DTSC?

Will DTSC be requiring more comprehensive analysis of the soil before it is removed from the site as non-hazardous waste?

The December 9, 2014, Technical Memorandum and Supplemental Site Investigation document includes Recommendations for Further Actions. We assume the steps outlined in this document were not taken; the RAW is dated December 17, 2014. The following recommendations were made:

6.2 Recommendations for Further Actions

SET recommends the following assessment activities to eliminate the limited number of data gaps in soil and soil gas at the site:

- Laterally delineate shallow impacts of benzo(b)fluoranthene to soil within the vicinity of boring B32.
- Vertically delineate VOC concentrations in soil gas within the vicinity of borings B17, B18, B19 and B21.
- Further discussion with the DTSC toxicologist is warranted to evaluate if the calculated maximum carcinogenic risk is acceptable for residential use of the property.
- No further action is recommend with regard to TPH, VOCs, OCPs, PCBs and metals in soil.

Upon elimination of the above data gaps, a Remedial Action Plan may be prepared to propose removal and/or mitigation of COCs at the areas investigated.

Were the recommendations outlined in 6.2 followed? If they were followed what were the results of these assessments?

The steps outlined above are reasonable and should be taken before the RAW is finalized. The information learned regarding volatile chemicals that may still be present in the area of property where the underground tanks were located is important.

Evaluation of Alternatives

The California Health and Safety Code require DTSC and the Water Board to consider alternatives. The Code requires DTSC to evaluate the effect of alternative remedial action measures that use as a principal element treatment that significantly reduces the volume, toxicity or mobility of the hazardous substances as opposed to remedial actions that do not use this treatment. The DTSC or the Regional Board cannot accept remedial action measures that use offsite transport (over 1200 truckloads) and disposal of untreated hazardous substances or materials if practical and cost-effective treatment technologies are available.

The ECI RAW does not include even the most superficial description of evaluation of alternatives. I reviewed several public notices on other DTSC Remedial Action Work Plans. The public notices include brief information on the evaluation of remedial alternatives considered.

Instead the following language is in the RAW:

An immediate soil removal (excavation and off-site disposal) has been accepted by the DTSC as the preferred remedial action. In consultation with the DTSC, no other alternative removal options will be considered further for this remedial action.

Excavation will be an effective means for removing impacted soil from the site and will be used in conjunction with appropriate disposal options.

The failure to consider remedial alternatives is unacceptable.

As we write this letter we have in mind the people living in the community directly adjacent to the ECI property. We have in mind the people we work with all the time who live in the community near the Del Amo and Montrose sites. It is not difficult to imagine how much nicer

it would be for them if the ECI site was gone and a new community was there instead. But we can also envision the tragedy the project could ultimately become for everyone involved if the work is not properly planned and implemented. As the closure to this letter I offer this photograph.



A worker sprays DDT-contaminated soil with water to control the dust at an industrial site in Torrance, Calif.

This photo is from the previous excavation and removal of soil from the ECI site. Things should not be done this way. Particularly when we know that backyards are directly behind this photo. Is this the kind of mess DTSC wants to be responsible for?

We look forward to working with you on this serious community concern.

Sincerely,
Florence Gharibian
Chair Board of Directors, Del Amo Action Committee

Cynthia Babich
Director, Del Amo Action Committee

Cynthia Medina
Assistant Director, Del Amo Action Committee

Cc:
Barbara Lee, Director DTSC
Scott Warren, Senior Geologist DTSC
Bruce Bansen, Resident of the area
Maurice Lyles, Senator Barbara Boxer's Office



Attachment 1: Request for comment period extension

December 10, 2014

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*Physicians for Social
Responsibility, L. A.*

Linda Kite
Healthy Homes Collaborative

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Regarding: Ecology Control Industries (ECI) – Torrance

Dear Mr. Chauvel,

Our organization has been working on the Del Amo and Montrose Superfund Sites for over 20 years. A resident on Kenwood Ave. sent me a notice about remediation on this site. I spoke with the project manager concerned that the outreach area was too small, since our group was missed.

We are requesting a 60 day extension to the comment period and a meeting with DTSC staff working on this project and in addition we would like present at this meeting Mr. Marxen and Scott Warren. We believe there is a rich history surrounding this site that needs to be recognized that includes the saturation of contaminants in this area and want to ensure we are all very clear about these issues before we are a part of more people living in the area.

I would appreciate your quick response.

Sincerely,
Cynthia Babich
Director
Del Amo Action Committee
661 256-7144

Cc: Jim Marxen, Scott Warren, Florence Gharibian and Cynthia Medina