Department of Toxic Substances Control

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March 27, 2009

Mr. Brian Spiller
General Manager Environmental Services and Engineering
Astra Zeneca
1800 Concord Pike FOP3
Wilmington, Delaware 19850-5438

Dear Mr. Spiller:

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), has completed its review of your submittals dated August 3, 2005, August 11, 2006 and November 20, 2006, in response to our requests for information and records regarding remedial activities conducted at the Zeneca, Inc. and University of California Richmond Field Station sites. The enclosed report describes our findings, including all violations and any actions that should be taken by the facility to correct the violations.

Violations 1 through 7 were included in the Summary of Violations (SOV) issued to Zeneca, Inc. on September 28, 2007. Upon further consideration of the facts and circumstances surrounding violations 3.a., 3.b., 3.c, 3.d. and 3.e., DTSC will not be pursuing these violations. Violation 8 which is described in detail in the report was found subsequent to the issuance of the SOV and is shown below.
Mr. Brian Spiller

8. Failure to Make a Hazardous Waste Determination

Zeneca violated California Code of Regulations, title 22, section 66262.11 in that Zeneca failed to conduct the required hazardous waste determination on the following treated wastes prior to placement in Subunit 1, to wit:

a. On or about September 18, through November 4, 2002, approximately 12,140 cubic yards of cinders and sediment that were treated with limestone at Zeneca, were not analyzed for total and/or soluble mercury, copper and zinc, prior to placement in Subunit 1. Based on Zeneca's August 3, 2005 letter, response 1.a., Pan testing and random pH testing were conducted on the treated materials. No other chemical analysis was performed.

b. On or about November 15, 16, 25, and 26, 2002 approximately 122 truckloads of powdered activated carbon treated cinders and sediment from UCRFS and further treated with limestone at Zeneca, were not analyzed for total and/or soluble mercury prior to placement into Subunit 1. Based on Zeneca's August 3, 2005 letter, response 3.a., Pan testing and random pH testing were conducted on the treated materials.

c. On or about October 11, 18, 23, 25, 28, 31, 2002, November 1 through 3, 2002 and December 5 through 6, 2002, 842 and 66 truckloads of treated soft marsh cinders and sediment from UCRFS, were not analyzed by Zeneca for total and/or soluble mercury, arsenic, copper, zinc and lead, prior to placement into Subunit 1. Based on Zeneca's August 3, 2005 letter, response 2.a., only pH testing was conducted on the materials.

d. On or about between September 11 and 16, and on October 1, and 2, and on October 21, 22, and 25, 2003, a total of 681 truckloads of treated "Type A materials" from UCRFS, were not analyzed by Zeneca for total mercury and/or soluble mercury, arsenic, cadmium, copper, and zinc, prior to placement into Subunit 1. Based on UCB's letter dated November 4, 2005, response 2.1.3, only pH levels were tested prior to shipment and placement into Subunit 1.

e. On or before September 8 to September 10, 2003, a total of 109 truckloads of treated "UC Berkeley Type A materials" from UCRFS, were not analyzed by Zeneca for total and/or soluble mercury prior to placement into Subunit 1. Based on UCB's letter dated November 4, 2005, response 2.1.3, only pH levels were tested prior to shipment and placement into Subunit 1.

Corrective Action

Zeneca shall coordinate with the DTSC Northern California Clean-up Operations Coastal Branch, to determine the appropriate sampling and analysis methods required for the removal and/or restoration actions for the Subunit 1 areas.

You are required by section 25185 (c)(3) of the Health and Safety Code to submit a written response to DTSC within 30 days describing the corrective actions that you have taken or propose to take to bring your facility into compliance. If you dispute any of the violations, you should explain your disagreement in this written response. The issuance of this letter does not preclude DTSC from taking administrative, civil, or criminal action as a result of the violations noted in the report.

All pertinent information received from Zeneca's submittals are included as attachments to the report. In order to reduce copying and mailing costs, these have not been returned to you with the report; copies will be provided if you request them. This report will become a public document; you may request that any trade secret or facility security information be withheld from public disclosure. (See Health and Safety Code Section 25173 attached).

If you wish to assert the trade secret privilege after you have reviewed the report, please provide specific answers to each of the following questions, for each item, within 10 days of receipt of this letter:

1. To what extent is there knowledge of the information conveyed by the photograph/document outside your business?

2. To what extent is there knowledge of the information conveyed by the photograph/document, by employees and others in your business?

3. To what extent have measures been taken to guard the secrecy of the information?

4. Is the information valuable to competitors? If so, why?

5. Has there been substantial monetary expenditure in the development of the information?

6. Could the information be easily and properly acquired or duplicated by others?

DTSC will review this information to determine if the information should be treated as trade secrets and notify you accordingly.

If you have any questions regarding this letter, or if you wish to meet with DTSC to discuss any questions or concerns you have with the investigation, the report, the violations, or the proposed corrective actions, please call Ms. Colleen Heck at (916) 324-5780.

Sincerely,

Colleen Heck

Colleen Heck
Senior Staff Counsel
Office of Legal Counsel

Enclosure

cc: Ms. Luz Castillo
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