



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

November 7, 2007

Reply to
Attn of: ECL-110

Mr. Todd Slater
Legacy Site Services, LLC
468 Thomas Jones Way
Exton, PA 19341

Subject: Status of Category A, Category B Comments; Proposed PTM Language
Revision

Dear Mr. Slater:

This letter conveys to Legacy Site Services (LSS) the current status of comments pertaining to the revised EE/CA Workplan conveyed to LSS on May 11, 2007, for your evaluation and discussion on our planned November 13 teleconference. Please see the enclosed LSS Category A and Category B comments with proposed solutions for incorporation in the work plan addendum and other future documents, as recently discussed.

With respect to Category B LSS comment number one, LSS has requested that EPA remove its "non-responsive" determination on approximately 46 EPA comments on Arkema's draft work plan because LSS claims EPA did not address those comments in its draft Work Plan. LSS designated the comments in question as Category B comments. EPA and LSS discussed a majority of the Category B comments in a telephone conference on October 26, 2007. The attached list is a summary of the current status of each comment. As discussed, the Category B comments related to numerous issues and the status of such issues has changed over time. For example, a majority of Category B comments related to additional information or details needed about the upland pilot studies and treatment technologies LSS was pursuing. Arkema did not respond to those comments in its revised work plan, which led to the non-responsive determination. It was only after EPA took over the work plan revisions did LSS announce that it was not pursuing the innovative treatment technologies and would begin to design a hydraulic control barrier wall, making further information on such studies irrelevant. Additionally, other comments in Category B were comments seeking information in Arkema's possession and not easily obtained by EPA. Other issues not addressed in EPA's work plan may reflect other changes in circumstances since Arkema's draft work plan was reviewed by EPA, or reflects a decision to conserve agency resources in producing its work plan.

Lastly, EPA agrees with the October 23, 2007 proposed revisions to the language supporting dredging at the Arkema Site, enclosed. Please contact me at (206) 553-1220 or via e-mail at sheldrake.sean@epa.gov with any questions or concerns.

Sincerely,

Sean Sheldrake, RPM

Enclosures

Cc:

Audie Huber, Umatilla Tribe
Brian Cunninghame, Warm Springs Tribe
Erin Madden, Nez Perce Tribe
Sheila Fleming, Ridolfi
Jeff Baker, GrandeRonde Tribe
Tom Downey, Siletz Tribe
Rob Neely, NOAA
Jeremy Buck, USFW
Greg Smith, USFW
Jim Anderson, DEQ
Matt McClincy, DEQ
Mike Poulsen, DEQ
Jennifer Peterson, DEQ
Rick Kepler, ODFW
Cyril Young, DSL
Deb Yamamoto, EPA
Lori Cora, EPA
Chip Humphrey, EPA
Eric Blischke, EPA
Kristine Koch, EPA
Rene Fuentes, EPA
Dana Davoli, EPA
Deb Yamamoto, EPA
Nancy Munn, NOAA-NMFS
Preston Sleeper, USDOJ

via email only

The following paragraph for inclusion in the Arkema Early Action EE/CA Work Plan is Legacy Site Services's (LSS's) redline version of EPA's suggested language sent to Mr. Todd Slater on October 17, 2007. LSS proposes changing the last sentence of the paragraph because (1) the language proposed by EPA is premature in that the feasibility analysis conducted as part of the EE/CA evaluation determines the scope of the dredging and capping work necessary to achieve the remedial action objectives in the Scope of Work, (2) there are more than two SLVs within the Work Plan as it is currently written, and (3) additional SLVs may factor into the evaluation of the work depending on progress and results of the RI conducted by the LWG.

EPA and Arkema agree that the term "Principal Threat Material" or "PTM" should be removed from the May 2007 Work Plan as unnecessary for articulating the basis for taking a removal action at the Arkema site. EPA and Arkema were not able to come to agreement as to what concentrations and chemicals at the site constitute Principal Threat Material, but EPA and Arkema have agreed on the RAA boundary in which the EE/CA analysis will be conducted, and agree that a non-time critical removal action in that RAA boundary will address a significant amount of high concentration sediment and will significantly reduce risk to human health and the environment. Principal Threat Material and/or PTM is no longer deemed relevant to the discussion of the screening level values in Chapters 6 and 7 of the May 2007 Work Plan. EPA and Arkema agree to remove the term "principal threat material" in relation to the screening level values, e.g., 1 x PEC and 1,000 x bioaccumulation SLV. The screening level values will remain in the Work Plan, including both the 1x PEC and 1000 x bioaccumulation SLV, for the purpose of evaluating dredging and judging the effectiveness of the removal action in the EE/CA.

Deleted: as risk screening levels for defining the basis for a dredging evaluation