



Casmalia Resources Superfund Site

united states environmental protection agency • region 9 • march 2003

EPA PROPOSES CASHOUT SETTLEMENTS WITH MAJOR WASTE GENERATORS

The U.S. Government has proposed four settlements involving 50 additional parties to provide additional cleanup funds for the former Casmalia Resources Hazardous Waste Facility, located near the town of Casmalia, California. A public comment period on these proposed settlements will run from March 11, 2003 to May 9, 2003.

The U.S. Environmental Protection Agency (EPA) will hold a community meeting to receive public comments regarding the proposed settlements on Tuesday, March 25, 2003, from 6:00 to 9:00 p.m. at the Winfred Wollam Elementary School in Casmalia. EPA will also provide a site update presentation, which will include a report on the Remedial Investigation work plan.

Four Proposed Settlements Announced

The proposed settlements involve 50 parties that generated waste sent to the Casmalia Resources site. The four separate but related consent decrees include:

- 1) a \$28,553,979 settlement with the Casmalia Negotiation Committee members, a group comprised of 41 private parties and four federal agencies;
- 2) a \$2,309,085 settlement with Baumgartner Oil and Gas Company, Baumgartner Oil Company, and Franklin W. Baumgartner;
- 3) a \$590,975 settlement with Crosby & Overton, Inc.; and
- 4) a \$480,633 settlement with Quintana Petroleum Company.

The total value of the four settlements is \$31.9 million. These parties collectively represent approximately 11% of the total waste sent to the site based on available records.

Each settlement requires the settling parties to pay their *pro rata* share of Site costs based on volume, plus a

premium on projected future costs. Due to the course of settlement negotiations and other factors, there are some minor differences among the settlements (such as joint and several liability among the parties, the trigger that enables EPA to seek additional costs from the settling parties, terms for *de micromis* parties, premium on future costs, the timing of the settlement payment and other terms); however, the basic approach and obligation for each settlement is the same.

Each of these settling parties are considered “major” waste generators because on an individual basis each sent

Public Comment Meeting

Tier II Major Cashout Settlements

Date: March 25, 2003
Time: 6:00-9:00 pm
Location: Winfred Wollam Elementary School, Casmalia

more than 2.843 million pounds of waste to the site, which is the initial “*de minimis*” cutoff established for this site.

If you wish to submit written comments on the proposed settlements, refer to Casmalia Resources Superfund Site, Santa Barbara County, California, U.S. Docket No. 03-1078 DDP (VBKx). Please send your signed, original comments to Bradley R. O’Brien, U.S. Department of Justice, at the address in the box below no later than May 9, 2003. Comments may also be sent via fax or e-mail (see box below). A copy of the Consent Decree (in English) is available for public viewing at the Santa Maria Library (see address on last page).

The proposed settlements are one element of the overall EPA enforcement strategy at this site. Some other elements include the 1997 partial work settlement with the Casmalia Steering Committee, the

cashout settlements with 430 *de minimis* parties in 1999, the settlement with the State entities entered in 2002 and the settlement with the owner/operator entered in 2002. EPA anticipates entering additional settlements with and taking other enforcement action against *de minimis* and other parties in the future.

De Micromis Approach

EPA has not yet established a *de micromis* cutoff for this site, but may do so in the future. Once EPA establishes a *de micromis* cutoff, parties that sent below that volume may be protected from CERCLA

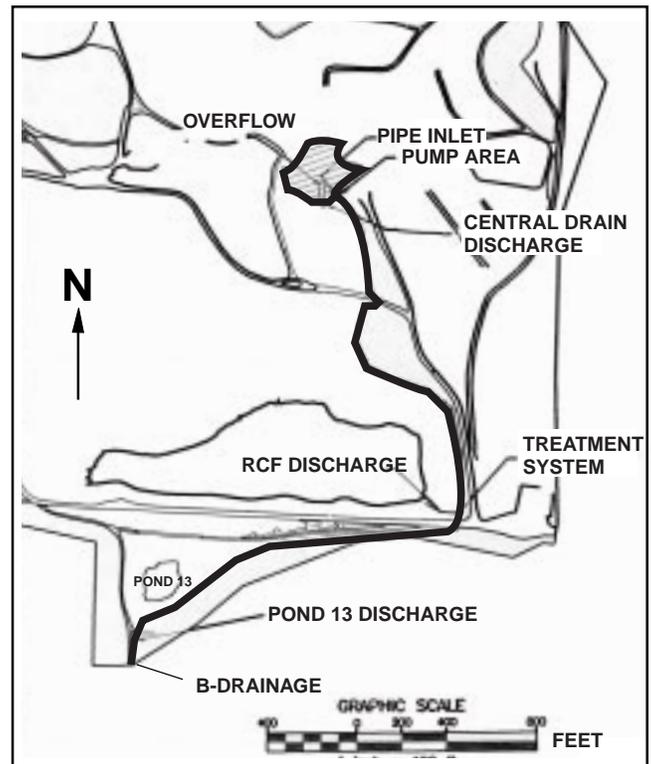


Figure 1: Casmalia Resources Superfund Site Stormwater Diversion System Layout

liability through administrative settlements.

Remedial Investigation/ Feasibility Study (RI/FS) Workplan

The Casmalia Steering Committee (CSC) group of responsible parties submitted a Draft RI/FS Workplan in June 2002. The federal and state agencies provided extensive comments on the draft Workplan in late August. Since then there have been numerous meetings, conference calls and interim submittals to attempt to resolve the comments. The CSC was due to submit the Final RI/FS Workplan in late March. The Workplan evaluates existing data, and guides the collection of additional data to conduct risk assessments, and evaluate options for the final site remedy.

US v. Samson Hydrocarbons et al.

60-Day public comment period March 11, 2003 - May 9, 2003

Refer to US Docket Number 03-1078 DDP (VBKx).

Mail written comments postmarked by May 9, 2003 to:

Bradley R. O'Brien
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
301 Howard Street, Suite 1050
San Francisco, CA 94105

Fax comments to him by May 9, 2003 at (415) 744-6476 or
you may send e-mail comments to him at:
BRAD.O'BRIEN@USDOJ.GOV

Stormwater Diversion Project

The CSC is currently constructing a stormwater diversion system that is designed to reduce site costs and the volume of liquids in site ponds (see Figure 1). In early August 2002, the CSC sent a Stormwater Discharge Memorandum to the California Regional Water Quality Control Board, Central Coast Region (RWQCB). The memorandum requested the RWQCB to allow the CSC to build a stormwater diversion system to collect stormwater from landfill capped areas discharge into the B-Drainage using the CSC's National Pollutant Discharge Elimination System Permit (Order No. 99-034).

After the RWQCB agreed to the CSC's memorandum, the CSC designed and constructed a stormwater diversion system. The system will collect stormwater from the capped landfills and convey them through a treatment system to the B-Drainage discharge point, as long as the stormwater meets the water quality requirements (see Figure 2). The B-Drainage drains to Casmalia Creek, and the project will restore that natural flow pattern which was interrupted by site operations which captured and evaporated the stormwater onsite.

The diversion system includes a water retention basin (see Figure 3), discharge pipeline, pump, filters, water quality treatment system, and discharge outfall. The diversion system will be a temporary system which will be removed during site remediation and will be rebuilt at the same location after site remediation. After reviewing the cost benefit analysis, we concluded that the



Figure 2: Casmalia Resources Superfund Site Stormwater Retention Basin. (note: original height of inlet pipe is shown at 2 feet.)



Figure 3: Casmalia Resources Superfund Site Stormwater Retention Basin after rainstorm event. (note: the inlet pipe was extended 3 feet from date Figure 2 was photographed.)

diversion system will be cheaper than the current sprinkler system, if the temporary diversion system will be used for more than two rainy seasons.

In September 2002, the CSC submitted a draft diversion system design to EPA. The EPA approved the final design in December 2002. The diversion system has 650,000

gallons of water retention capacity which will capture approximately 80% of rainstorm events and the water retention basin will be emptied within 48 hours. Storm events not captured by the system will flow into the RCF Pond. The diversion system also includes six units of Granular Activated Carbon to treat the collected stormwater before discharge into the B-Drainage.

In January 2003, the CSC began constructing the diversion system. EPA anticipates that the system will be ready and fully tested before the end of this rainy season. The CSC estimates total cost will be approximately \$100,000. EPA will oversee the CSC's operation to ensure that the water quality will meet the RWQCB's requirements and that system will be operated in a manner that minimizes the potential for erosion.

Radionuclide Testing Results

In October, EPA's onsite contractor collected groundwater samples during the CSC's semi-annual sampling. Samples were collected at four offsite wells not impacted by the site, and wells at the base of three landfills and the burial trenches. The samples were analyzed for the three types of radioactive materials, alpha, beta and gamma, plus tritium.

The samples were analyzed by the EPA National Air and Radiation Environmental Laboratory in Montgomery, Alabama. The lab also performed a quality assurance review of the data. The purpose of the sampling was to determine if the site disposal facilities were contributing radioactive contaminants to site groundwater.

EPA Region 9 Superfund reviewed the data and concluded the following:

- gross (total) alpha and gross (total) beta results were analyzed using a drinking water analytical method. Due to the high levels of dissolved solids in all samples, the detection limits were elevated above drinking water standards.

Comparison of offsite to onsite results demonstrated no difference, and therefore no gross contamination from the site.

- tritium (a weak beta emitter) was analyzed because it would likely be present in the groundwater if present in the landfill, is relatively easy to detect at low levels, and is a constituent of nuclear fission products. Tritium was not present as a radioactive contaminant in Casmalia groundwater.

- the results from gamma spectrometry (an analytical technique measuring individual gamma

emitters) identified positive levels of several naturally-occurring gamma emitters in both offsite and onsite samples. Since only naturally-occurring radionuclides found in native soils were detected, this method confirms the absence of any site-related radioactive gamma contaminants in the groundwater.

Based on the above analysis, EPA has concluded that the landfills are not contributing radioactive contaminants to the site groundwater.

EPA is providing the data and its conclusions to community representatives, and the Santa Maria City Library.

Air Monitoring

EPA, the State and the CSC have had discussions to identify a continuous air monitoring system at the Casmalia site perimeter. Discussions have centered around installing photoionization detectors

For further information, please contact:

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Community Involvement Coordinator
(415) 972-3237

Kent Kitchingman (SFD-7-1)

Remedial Project Manager
(415) 972-3142



U.S. EPA

75 Hawthorne Street
San Francisco, CA 94105

Public Meeting Agenda

1. Presentation on Proposed Settlements
2. Receipt of Public Comments
3. Remedial Investigation
4. Site Update
 - Stormwater Diversion
 - Radionuclide Testing
 - Air Monitoring
5. Adjourn

(PIDs) instruments at two locations on the southern boundary of the site. The instruments would measure total volatile organics compounds every 15-30 seconds, and would provide information on site releases. Once the system has been selected, we expect it can be operational within two months.

Groundwater Treatment

As a result of not reaching agreement on a rate to lease the Ameripure Treatment System (ATS) to EPA, the CSC ceased operation of the ATS in December. Since that time the groundwater collected in the Perimeter Source Control Trench has been treated by the Granular Activated Carbon (GAC) treatment

system only, without first passing through the ATS. This change does not impact the quality of the treated water, which must still meet the water discharge requirements.

EPA is working with the CSC to optimize the efficiency of the treatment plan under the current site conditions. Since the shutdown, all Sump 9B liquids have been trucked offsite instead of treated in the ATS.

Hunter and State Consent Decrees Update

In late 2002 the Federal District Court entered two consent decrees that will raise more than \$22 million towards response costs at the Casmalia Resources Superfund Site. Both settlements were approved by

the court without hearing after review of public comments and other papers submitted by the United States.

One settlement is with the former owner/operator of the site, who paid \$6.9 million plus interest toward site costs, release any claims to the RCRA trust fund valued at \$14 million, plus other consideration. That settlement resolves litigation filed in 1997.

Another settlement is with the State of California, which sent approximately 4% of the total waste to the Casmalia Resources site during its operation. The state will pay \$15 million towards site costs and waive \$1.4 million in past oversight costs as to other parties.

UNA VERSIÓN EN ESPAÑOL SE ENCUENTRA ADENTRO

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U.S. EPA
75 Hawthorne Street
San Francisco, CA 94105

Or leave a message on our Toll-Free line

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800-231-3075

Information Repositories

You may review extensive background information related to the Casmalia Resources Superfund Site, at either of the following:

Santa Maria Library
420 South Broadway
Santa Maria, California
(805-925-0994)

EPA Superfund Records Center
95 Hawthorne Street
San Francisco, California
(415-536-2000)



or visit the Casmalia Web Site at:

<http://www.epa.gov/region09/waste/sfund/npl/siteinfo.htm>

- 1) Click on "Site Overview and Information"
- 2) Click on "Casmalia Disposal Site"

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