



Casmalia Disposal Site

United States Environmental Protection Agency Region 9 • San Francisco, CA

December 1999

COMMUNITY UPDATE

This fact sheet provides the status of activities at the Casmalia Disposal Site (formerly the Casmalia Resources Hazardous Waste Management Facility), including construction status for the Pesticides/Solvents Landfill cover system, the progress of the Cashout Settlement, revisions to the Cost Estimate and on-going Site activities.

Casmalia Community Update Meeting

Tuesday, December 14th
7:00 p.m.-9:00 p.m.

Minami Community Center, Studio Room
600 West Enos Drive, Santa Maria

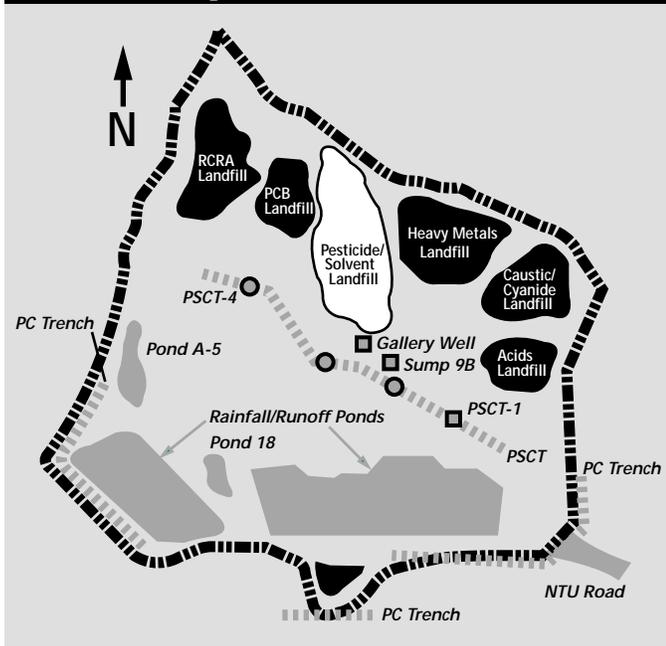
CURRENT ACTIVITIES AT THE SITE

Pesticides/Solvents Landfill Cover Near Completion

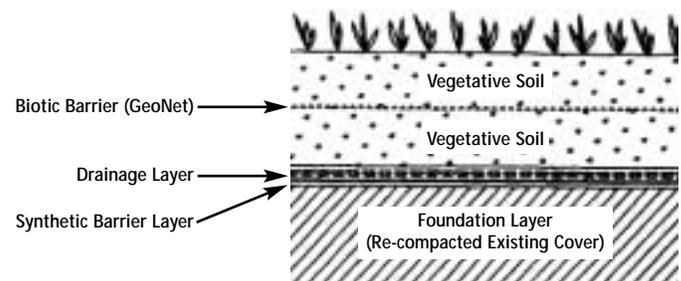
Construction of the Pesticides/Solvents Landfill cover system began in July 1999 and is scheduled for completion in December 1999. The cover system construction, which includes regrading the landfill for seismic stability, construction and installation of the impermeable liner system, construction of the permanent surface water drainage system, and final revegetation, is almost complete.

The landfill regrading and the construction and installation of the impermeable liner are finished. The remaining tasks, which include the construction of the landfill surface water drainage system, landfill access and maintenance roads and the reseeded of the final cover, are currently progressing. Overall, the cover system construction project is approximately 2 months behind its original October completion target. Throughout the construction process, U.S. EPA has had an on-site representative monitoring the quality and progress of the construction work on a daily basis.

Casmalia Site Map



Detail of the Final Cap System



Site Winterization Work

The Casmalia Steering Committee (CSC) will complete its 1999/2000 site winterization activities in December. The purpose of the winterization work is to prepare the Site for the coming rainy season. Lowering the liquid levels in the on-site ponds has been an important part of this activity over the past year.

Currently, the liquid levels in all of the on-site ponds are much lower than last year at this time because the CSC increased water evaporation through on-site irrigation and dust control, and using the accumulated storm

Winterization (continued)

water in the construction of the Pesticides/Solvents Landfill cap. The on-site pounds now have enough capacity to contain the storm water run off from another record rainy season.

NPDES Storm Water Discharge Permit

On November 19th, the Regional Water Quality Control Board (RWQCB) approved the National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit for the Site. The purpose of the permit is to allow storm water to be discharged from the Site in a controlled and monitored manner in the event that the on-site storm water ponds become full. Both U.S. EPA and the State of California plan to only utilize this permit in emergency situations.

As issued, the NPDES permit is one of the most stringent in the state and has greatly expanded public notification requirements. For further information regarding the permit please contact the Regional Water Quality Control Board in San Luis Obispo.

In the coming months U.S. EPA plans to work with the CSC and the State of California to develop a comprehensive site storm water management plan so that on-site water usage is maximized.

Ground Water Monitoring

The CSC is currently conducting the fifth round of semi-annual groundwater monitoring, which includes collecting water level data from approximately 225 monitoring wells and chemical quality samples from approximately 81 locations, which include 63 monitoring wells, 5 on-site ponds, and 13 contaminated liquids extraction wells. The sampling event will be completed in December 1999. For the Spring 2000 monitoring event, the CSC will be installing and sampling an additional six monitoring wells at the Site.

The CSC is scheduled to submit the monitoring report for the fourth semi-annual monitoring event in December.

Collection/Treatment/Disposal of Contaminated Liquids

The Casmalia Disposal Site has a system for intercepting contaminated liquids from the current landfills and either treating or disposing of them. The highly contaminated liquids extracted from Sump 9-B and the Gallery Well are sent off Site for treatment and disposal to a permitted treatment, storage and disposal (TSD) facility. The lesser contaminated liquids extracted from PSCT-1 and PSCT-4 are treated and disposed of on Site in Pond 18. The volumes of contaminated liquids which were collected, treated, and disposed of from January 1, 1999 through October 30, 1999 are:

Contaminated liquids treated and disposed on-site:	5.70 Million Gallons
Contaminated liquids disposed at an off-site TSD facility:	1.29 Million Gallons
Total extracted contaminated liquids volume:	6.99 Million Gallons

Status of Protected Species at Casmalia Disposal Site

During biological surveys conducted by the CSC for their Storm Water Discharge Permit application, Red Legged Frogs were discovered in three on-site surface water retention ponds. The California Red Legged Frog is a threatened species and is protected under the Endangered Species Act of 1973. Recently, the Western Spadefoot Toad, a fully protected species under the State of California's Fish and Game Code, was discovered in one of the ponds.

U.S. EPA and the CSC are currently working with the U.S. Fish and Wildlife Service and California Department of Fish and Game, the agencies responsible for protecting threatened and endangered species in California, to determine what preventative measures need to be taken to make sure that these frogs and toads will not be affected when the CSC performs site work.



Some on-site ponds are home to endangered frogs.

CURRENT ENFORCEMENT ACTIVITIES

U.S. EPA Releases a Revised Settlement Offer to 900 Parties

On October 7, 1999, U.S. EPA offered approximately 900 potentially responsible parties that formerly arranged for disposal of waste at the Casmalia Disposal Site a revised settlement offer. Parties that wish to settle now with U.S. EPA must submit payment by December 6, 1999. This revised settlement offer will play a critical role in ensuring that this Site is secured so that it is protective of human health and the environment and that the cost of the Site's closure is not an unreasonable burden on U.S. taxpayers.

This offer provides parties the opportunity to resolve their environmental liabilities at the Site under one of two settlement options. Parties may settle essentially all of their liabilities in return for a cashout payment. Parties may also settle under a risk-based settlement, meaning that they pay a lower settle-

ment amount now than those who settle all of their liability up front, but retain longer-term liability. Parties that elect to retain some liability may have to pay more in the future for work at the Site if both U.S. EPA's costs exceed our current cost estimate of \$271.9 million and if U.S. EPA has a funding shortfall at the Site.

U.S. EPA originally extended settlement offers to this group of potentially responsible parties in January 1999. U.S. EPA heard from these parties that they were concerned with various elements of the settlement offer. For a number of months, U.S. EPA has listened to these parties' concerns and attempted to develop a revised settlement offer that balances the Agency's responsibility to care for the Casmalia Disposal Site with parties' concerns.

Parties asked for lower settlement amounts, even if lower payments meant that they did not resolve all of their liability at this time. In response to parties' concerns, U.S. EPA developed the risk-based option, described above, and also conducted a thorough review of the January 1999 Site cleanup cost estimate.

Based on the most current information available related to Site conditions, U.S. EPA revised the proposed cleanup approach which was used to develop the cost estimate for the settlement offer. U.S. EPA now anticipates expanding the protective cap that will cover the most contaminated soils at the Site and also using passive treatment walls to help treat contaminated groundwater.

U.S. EPA believes that these systems will be both protective of human health and the environment and cost efficient, as they will reduce the production of contaminated liquids in the future, and the required treatment, storage and disposal of these liquids. The costs of treating, storing, and disposing of contaminated liquids are the largest long-term costs at the Site.

The revised cleanup strategy for the Site and the associated costs, though based on the most complete Site information currently available and U.S. EPA's best technical expertise, does not represent a final remedy. The final remedy will be based on the results of extensive, upcoming Site studies, which will be completed over the next two years.

A more detailed explanation of the basis of the cost estimate can be found in the *Cost Estimate for the Casmalia Disposal Site (August 1999)*, which may be found in the Information Repository at the Santa Maria Library or can be requested by calling the U.S. EPA number on the back of this fact sheet.

U.S. EPA's Lawsuit Against Owner(s)/ Operator(s) of Casmalia Disposal Site

U.S. EPA continues to prosecute its cost recovery case in federal district court against Casmalia Resources, Casmalia Disposal, and Kenneth H. Hunter, Jr., the facility's owner/operators. The CSC's suit against these parties has been consolidated with U.S. EPA's, and U.S. EPA and the CSC are coordinating their prosecution of these lawsuits. The discovery process began in summer 1998, and the parties have filed several motions directed to liability issues.

One of the Hunter defendants' motions claimed that because some United States agencies sent waste to the Hunter site during its operating years, U.S. EPA could not pursue its cost recovery claim against the Hunter defendants in "joint and several" liability, which means that if held liable, these defendants could be

responsible for 100% of the Site costs. U.S. EPA normally seeks joint and several rulings against responsible parties and the ability to do so is an important enforcement tool.

On September 28, 1999, the Central District of California issued a written decision in favor of the United States on this issue. The opinion held that U.S. EPA may seek joint and several liability against the Hunter defendants even if the United States is a potentially responsible party at the Site. The court stressed "the government's unique role: through U.S. EPA it is responsible for enforcing CERCLA (the Superfund law) and recovering response costs to protect the public [funds]... the government's role in the enforcement of CERCLA is greater than that of a mere private party."

The United States has also filed a motion against Hunter Resources and Casmalia Resources seeking a finding that these parties are liable parties under CERCLA. Although a written opinion has not been issued yet, the court stated at an October 25, 1999 hearing that the court intended to rule in the United States' favor on this motion. Although the court had stopped the discovery process, it agreed to limited discovery to allow defendants to respond to the United States' motion. Beyond this action, other discovery will not be permitted until the court rules on the other pending motions.

COMMUNITY INVOLVEMENT ACTIVITIES

As of mid-December, U.S. EPA will assume all aspects of the public participation program at the Site because the CSC's responsibilities under the Consent Decree will have been fulfilled.

Casmalia Community Update Meeting

U.S. EPA will hold an informational meeting in the Studio Room of the Minami Community Center on Tuesday, December 14th, from 7:00 p.m.-9:00 p.m. The purpose of the meeting is to share information about the status of activities at the Site and answer community members' questions.

Casmalia Technical Support Grant

As part of the Casmalia Consent Decree, the CSC is funding a Technical Advisor to help the community understand technical aspects of the Site work and to participate in the decision-making process. The independent technical expert will review Site-related documents and explain them to the community.

Although this process was originally planned and advertised as a Technical Support Grant, the only grant application received could not be implemented. The CSC is now working directly with members of the Casmalia community to fund this activity. Questions regarding the work of the community group or about the Technical Advisor should be directed to Terri Stricklin at (805) 937-6151.

Information Repository

An Information Repository (IR) is a place where U.S. EPA provides copies of site-related documents for public review. U.S. EPA's Casmalia Disposal Site IRs are located at:

Santa Maria Library

Second Floor
420 South Broadway
Santa Maria, California 93454
(805) 925-0994
(Limited Document Collection)

U.S. EPA Superfund Records Center

Fourth Floor
95 Hawthorne Street
San Francisco, CA 94105
(415) 536-2000

For Further Information Please Contact:

David Cooper

Community Involvement Coordinator (SFD-3)
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2179

Dennis Geiser

Project Manager (WST-1-A)
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2147

Katharine Kaplan

Enforcement Case Manager (WST-1-A)
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2105

Or call toll-free: 800-231-3075



U.S. Environmental Protection Agency, Region 9
David Cooper (SFD-3)
75 Hawthorne Street
San Francisco, CA 94105

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