



# Oregon

Theodore R. Kulongoski, Governor

Department of Environmental Quality  
Eastern Region The Dalles Office  
400 East Scenic Drive, Suite 307  
The Dalles, OR 97058  
(541) 298-7255  
FAX (541) 298-7330

September 28, 2004

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OREGON OPERATIONS OFFICE  
EPA-REG. 704 13

Marc Callaghan  
Federal On-Scene Coordinator  
U.S. EPA Oregon Operations Office  
811 S.W. Sixth Ave., 3rd Floor  
Portland, OR 97204

Subject: Circle DE Lumber, ECSI # 2708; items discussed at September 23, 2004 meeting

Dear Mr. Callaghan:

This letter summarizes our discussion at last week's meeting, during which we outlined the next steps for proceeding with removal activities at the Circle DE Lumber site in Klamath Falls.

**Work to be done by EPA.** Pending approval by your manager, the work to be done by EPA would include the following:

- Installation of five to seven groundwater monitoring wells,
- Removal and proper disposal of dip tank structure and contaminated soil,
- Asbestos survey in buildings, possibly followed by asbestos abatement.

**Work to be done by DEQ.** DEQ would undertake the remaining tasks:

- Groundwater sampling and analysis.
- Focused feasibility study to address required activities elsewhere on the site.
- Implementing of the remedy proposed in the focused feasibility study.

**Responsible party's ability to pay.** You had asked that this letter include information regarding the owner's ability to pay. Mr. Dan Brown filed for Chapter 7 bankruptcy on July 23, 2002 and was discharged on September 28, 2002. DEQ has not formally completed an ability-to-pay analysis. However, the bankruptcy Trustee would presumably have conducted a similar evaluation before making the bankruptcy determination.

**ARARs.** You had requested information on applicable or relevant and appropriate state requirements (ARARs), to be provided in three tables. These tables address chemical-specific requirements, location-specific requirements and action-specific requirements. We are not aware of location-specific or action-specific requirements that would affect cleanup decisions at this site. Chemical specific requirements are provided in the following table:

**Table 1**  
**Chemical-specific Requirements**

<b>Chemical</b>	<b>Maximum concentration allowed</b>	<b>Medium</b>	<b>Reason why requirement is an ARAR</b>	<b>Regulatory citation</b>
2,3,7,8-TCDD (total TEQ)	16 ng/kg	soil	Exceeds acceptable risk level	OAR 340-122-115
benzo(a)pyrene	210 ug/kg	soil	Exceeds acceptable risk level	OAR 340-122-115
dibenzo(a,h)anthracene	210 ug/kg	soil	Exceeds acceptable risk level	OAR 340-122-115
bis(2-ethylhexyl)phthalate	120,000 ug/kg	soil	Exceeds acceptable risk level	OAR 340-122-115
pentachlorophenol	9,000 ug/kg	soil	Exceeds acceptable risk level	OAR 340-122-115

These requirements were determined by identifying those contaminants found at concentrations that exceed industrial PRGs (preliminary remediation goals published by USEPA Region 9). All five of the contaminants shown are carcinogens. As defined in OAR 340-122-115, the acceptable risk level for an individual carcinogen at an upper-bound exposure is that level that results in a lifetime excess cancer risk of less than or equal to one per one million. The PRGs for carcinogens are also based on one in a million excess lifetime cancer risk. While we acknowledge that reduction in contaminant concentrations is not the only means of reducing risk to acceptable levels, these concentrations are appropriate for consideration during removal and other remedial activities.

**Generator fees.** You had asked whether DEQ would charge EPA with generator fees. I am looking into that and should have an answer for you shortly.

Thank you again for your assistance in addressing contamination at this site.

Sincerely,



Bob Schwarz  
Project Manager  
Eastern Region Cleanup Program