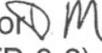


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**ACTION MEMORANDUM**

DATE: FEB 1 2007

SUBJECT: Request for a \$2 Million Exemption and Ceiling Increase for the Halaco Engineering Company Site, Oxnard, Ventura County, California

FROM:  Robert Wise, On-Scene Coordinator   
Emergency Response Section (SFD-9-2)

TO: Wayne Natri, Administrator  
Region 9 (ORA-1)

THROUGH: Keith Takata, Division Director,   
Superfund Division, (SFD-9)

**I. PURPOSE**

The purpose of this memorandum is to obtain approval to spend up to \$3,895,523 and to request a \$2 Million Statutory Exemption to mitigate threats to human health and the environment posed by uncontrolled hazardous substances (heavy metals and radioactive isotopes) at the Halaco Engineering Company Site (Halaco), a defunct secondary smelter located at 6200 Perkins Road in Oxnard, Ventura County, California (the Site). The proposed time-critical removal action is being taken pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(a)(1), as amended, to prevent off-site migration of heavy metals and radioactive isotopes into the environment and waters of the United States. An exemption from the \$2 Million Statutory Limit is justifiable under the criteria of 40 C.F.R. § 300.415 (b) (5) (i), which allows for an exemption from the statutory requirements when: there is an immediate risk to public health or welfare or the environment; continued response actions are immediately required to prevent, limit, or mitigate an emergency; and such assistance will not otherwise be provided on a timely basis.

Conditions at the Halaco Site meet the criteria for the exemption from statutory limits, and if not addressed by implementing the immediate response action documented in this Memorandum, may lead to additional releases and off-site migration of heavy metals and radioactive materials into the environment and waters

of the United States (US). This Action Memorandum is an amendment to the Action Memorandum signed June 9, 2006 (Appendix A).

## **II. SITE CONDITIONS AND BACKGROUND**

Site Status: Non-NPL  
Category of Removal: Time-Critical  
CERCLIS: CAD009688052  
SITE ID: 09X6

### **A. Site Description**

#### **1. Physical location**

See Appendix A

#### **2. Site characteristics**

The Halaco facility consists of two separate parcels on either side of the Oxnard Industrial Drain (OID). The smelter is located on approximately 11 acres situated on the west side of the OID. The waste disposal area, including the waste management unit (WMU), is located on approximately 28 acres situated on the east side of the OID. For discussion purposes, the Site, including impacted adjacent properties is divided into the following areas (see Appendix A, Figures 1, 2, & 3):

- Smelter – where recycling operations commenced, on the west side of the OID;
- Oxnard Industrial Drain (OID) – bisects the Smelter and the WMU;
- Waste Management Unit (WMU) – an unlined earthen evaporation or settling pond which encompasses the bermed area on the east side of the OID and covers at least a 15-acre area that ranges in thickness from an estimated 20 to 40 feet. The WMU also includes the Waste Disposal Area (WDA), an approximately 13-acre area north of the WMU, where dried material from the WMU was historically spread. The WMU and WDA are contiguous;
- Nature Conservancy Lands (NCL) – area east of the WMU (owned by the Nature Conservancy), which consists of wetlands based on a November 2000 federal wetlands delineation prepared for the City of Oxnard;
- Ormond Beach Wetlands (OBW)- area south of the Smelter, WMU and NCL, which consists of wetlands based on November 2000 federal wetlands delineation prepared for the City of Oxnard;
- Ormond Beach Lagoon (OBL)-area south of Smelter and WMU. The OID drains into the OBL and it is contiguous with the OBW.

#### **3. Site History and Background**

See Appendix A.

#### **4. National Priorities List (“NPL”) Status**

An Integrated Assessment Sampling and Analysis Plan was executed in June 2006 to collect data to further characterize the Site and gather information for a Hazard Ranking System evaluation. The Site is currently being considered for inclusion on the NPL. On December 6, 2006, U.S. EPA sent a letter to the Governor of California requesting the State's position on the proposal of this Site to the NPL.

#### **B. Other Actions to Date**

In June 2006, the Emergency Response and the Site Assessment Sections, U.S. EPA Region 9, conducted an Integrated Assessment (IA) of the Site. The IA documented the presence of hazardous substances in all areas of the Site directly attributable to smelting activities and on-site disposal at Halaco. This included the presence of heavy metals and radioisotopes that were released into the environment or had the potential to be released into the environment. The results of the IA are documented in the “Integrated Assessment Halaco Engineering Company, Oxnard, Ventura County, California” report located in Appendix B.

From July 2006 through December 2006, several potentially responsible parties (PRPs) conducted a removal action pursuant to the July 19, 2006 Administrative Settlement Agreement and Order on Consent for Removal Action, U.S. EPA Region 9, CERCLA Docket No. 2006-21. The removal action disposed of all containerized hazardous substances and consolidated all process waste solids into existing on-site structures or connex containers, implemented site security measures and constructed storm water runoff measures surrounding the WMU. Additional information on the removal action can be found at [www.epaossc.net/halaco](http://www.epaossc.net/halaco).

On November 14, 2006, On-Scene Coordinator (OSC) R. Wise met with the Emergency and Rapid Removal Service Contractor (ERRS) to assess storm water management and wind erosion issues associated with the WMU and the Smelter. ERRS provide the OSC with proposed measures to address these issues (Appendix C). On December 12, 2006, U.S. EPA representatives met with the current lease holder of the Smelter, the current land owner of the WMU; ERRS; and representatives of the Los Angeles Regional Water Quality Control Board (LARWQCB) and the Santa Barbara Channelkeeper, a non-profit organization, to discuss storm water and wind erosion management issues.

#### **C. State and Local Authorities’ Roles**

##### **1. State and local actions to date**

See Appendices A and B.

##### **2. Potential for Continued State/Local Response**

State and local agencies identified as the California Environmental Protection Agency, Department of Toxic Substance Control (DTSC) and the LARWQCB do not have the financial or technical resources to undertake the required cleanup action at this time. LARWQCB requested U.S. EPA's assistance to investigate threats posed at the Site in a written request on February 21, 2006.

### **III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

Conditions at the Site represent a release or a substantial threat of a release of a CERCLA hazardous substance to public health, welfare, or the environment based on the factors set forth in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR § 300.415(b)(2). These factors include:

1. Actual or potential exposure to nearby populations, animals or the food chain from hazardous substances or pollutants or contaminants.

This factor is present due to the unsecured nature of this Site, the extensive evidence of trespassing, and the uncontrolled presence of radioactive isotopes and heavy metals on-site. Historical state agency, current Superfund Technical Assessment and Response Team (START) (Appendix A) and IA (Appendix B) data document the presence of heavy metals and radioactive isotopes in the WMU and the Smelter that have migrated to the OID, NCL, OBL and OBW. Several of the heavy metal exists at concentrations in excess of various California hazardous waste determining levels and U.S. EPA Region 9 Preliminary Remedial Goals (PRGs).

Although a portion of the Site is fenced, there are numerous indications that trespassing and vandalism continue to occur. Extensive and elaborate new graffiti has been documented on buildings and equipment throughout the Site. On several occasions during the spring 2006 fieldwork, U.S. EPA representatives observed joggers running on the WMU in areas where hazardous substances are present on the surface. Off-road motorcyclists were also observed on top of the WMU and bicyclists were observed at the Smelter.

Bioassay samples collected from the OBW, OID and OBL during the IA documented the presence of arsenic in the fish tissues. Arsenic has been documented in the solid material and air samples collected from the WMU. Both the OBW and OBL are used for recreational fishing. Fish from both locations also serve as food for various waterfowl. The OBL is home to several federally endangered or threatened species, including the Tidewater Goby, the Western Snowy Plover, and the California Least Tern.

See Appendix A, Section III.1 for additional information on the specific hazards associated with the metals and radioisotopes present.

**2. Actual or potential contamination of drinking water supplies or sensitive ecosystems.**

This factor is present because heavy metals and radioisotopes were documented as migrating or having the potential to migrate into nearby or adjacent sensitive ecosystems. A description of adjacent or nearby sensitive eco-systems is provided in Appendix A, Section III.2.

The releases described below are attributable, at least in part, to the Site because the hazardous substances discussed in the sensitive ecosystems have been detected at elevated concentrations in samples collected from on-site sources. In addition, there is physical evidence of slumping and mass wasting of the process solids waste material into the adjacent OBW, NCL, and the OID.

The NCL is nesting habitat for State of California endangered Belding's Sevanah Sparrow (*Passerculus sandwichensis beldingi*). The IA documented heavy metal (barium, beryllium, cadmium, chromium, copper, lead and zinc) and radioisotopes soil contamination in the NCL (Appendix B). As of November 2006, the NCL area directly east of the WMU was flooded and is contiguous to the OBL and OBW.

Based on the results of the 2006 IA sampling effort, releases of barium, beryllium, cadmium, chromium, copper, nickel, zinc,  $^{228}\text{Th}$ ,  $^{230}\text{Th}$ , and  $^{232}\text{Th}$  to the OID have been established. In addition and also based on the results of the 2006 IA, the metals and radioisotopes listed above and cobalt, lead and Potassium 40 ( $^{40}\text{K}$ ) have been released to OBW south of the Site. The above listed metals and radioisotopes were reported in down gradient locations at concentrations significantly above background (Appendix B).

The OID feeds the OBW, which is home to numerous California and Federal Endangered Species (Appendix A, Section III.2). According to the former president of Halaco, the OID has historically overflowed its boundaries and flooded the Smelter and the WMU in the past. Such flooding would likely result in contaminant transport from the wastes at the Site to the OID and then the OBW and OBL. The OBW and OBL are contiguous with each other and with the Pacific Ocean at certain times of the year. The OBW and OBL meet the definition of the waters of the US.

EPA has also observed sloughing of the southern edge of the WMU into the OBW. As of December 2006, the southern toe of the WMU was contiguous with the water in the OBW and the flooded areas of the NCL. Water from the OBW is feeding the NCL.

**3. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that may pose a threat of release.**

These factors are present at the Site due to bulk, 2,000 pound uncovered and open sacks and unconsolidated piles of process solids from smelting activities stored in

various shipping containers throughout the Site and within buildings. Samples of the process solids collected by START and DTSC documented the presence of beryllium in excess of the California Soluble Threshold Limit Concentration (STLC) and Total Threshold Limit Concentration (TTLC). Samples collected by the START also documented elevated concentrations of ammonia.

Existing Site buildings are not structurally sound and are subject to infiltration by precipitation events that may lead to the migration of heavy metal laden runoff into the waters of the United States. Increased precipitation and strong winds can cause the hazardous substances present in bulk sacks and waste piles in on-site buildings.

4. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate.

This factor is present at the Site due to elevated concentrations heavy metals and radioisotopes on the surface of the WMU. Off-site migration of contaminants from the WMU has been documented during the IA to the NCL, OID, OBL and OBW. Contamination has been detected in the surface soils, sediment, surface water and ground water. Air sampling during the IA documented airborne migration of heavy metals from the Site.

5. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.

See Appendix A, Section III.4. Also, as noted above, this factor is present at the Site due to the poor condition of the existing building structures. Increased precipitation and strong winds may lead to sloughing of the WMU and causing the migration of hazardous substances off-site.

Air sampling conducted during the IA documented the presence of airborne heavy metals down gradient of the WMU due to wind. Heavy metals detected during the sampling events included: antimony, arsenic, beryllium, cadmium, copper, lead, nickel, selenium and silver significantly above background concentrations (Appendix B).

6. Availability of other appropriate federal or state response mechanisms to respond to the release.

This factor supports the actions proposed in this Action Memorandum because the state and local agencies do not have the resources to respond to this time-critical action. The LARWQCB requested assistance from the U.S. EPA Region 9 in writing on February 21, 2006.

#### IV. ENDANGERMENT DETERMINATION

The current Site conditions, including the presence of heavy metals and radioactive isotopes, pose serious threats to human health and the environment through direct contact, ingestion, inhalation, off-site migration into sensitive ecosystems and waters of the United States. Lead, chromium, and beryllium are listed wastes under 40 CFR § 261.33, exhibit the characteristic of toxicity under 40 CFR § 261.24, and are hazardous substances under Section 101(14) of CERCLA.

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

#### V. EXEMPTION FROM STATUTORY LIMITS

U.S. EPA anticipates that the proposed removal action will cost in excess of \$2,000,000. Subject to exceptions, 42 U.S.C. § 9604(c) (1) limits the cost of a removal action to 2,000,000. Pursuant to U.S. EPA delegations 14-2 and R9 1290.03A, the Regional Administrator is authorized to determine whether an exception from this statutory limitation is warranted. U.S. EPA Region 9 believes that, consistent with the standards for exception stated in 42 U.S.C. § 9604(c) (1) and 40 C.F.R. § 300.415(b) (5), an exception to the cost limit for removal actions is warranted for the following reasons:

##### 1. **There is an Immediate Risk to Public Health or Welfare or the Environment.**

The Site has heavy metal and radioactive isotope surface contamination that has migrated off-site historically and has a high current potential to continue to migrate off-site. The off-site migration pathways lead to sensitive environments that are the habitat for numerous California and Federal Endangered and Protective Species (Appendix A, Section III.2). The migration pathways directly lead to the waters of the United States (OBW and Pacific Ocean). The sampling results from the IA for each area of the Site and its impacts to the environment are discussed below.

Smelter Area: The composite slag/waste samples collected in the Smelter Area represent the process solids waste in bulk, 2,000 pound open sacks and piles within the process buildings. The total volume of these wastes is estimated at 5,000 cubic yards. The Smelter waste has concentrations of metals (barium, beryllium, and silver) at concentrations significantly above background. Soil samples from the Smelter Area have concentrations of metals (barium, beryllium, chrome, lead, nickel, silver and zinc) and radionuclides ( $^{228}\text{Th}$ ,  $^{230}\text{Th}$ , and  $^{40}\text{K}$ ,  $^{137}\text{Cs}$ ) at concentrations significantly above background. The building in which the solids are stockpile are subject to infiltration by precipitation that can cause migration of these heavy metal laden solids due to runoff. Runoff from the Site drains into the OID. The OID drains into the Ormond Beach Wetlands (OBW). The OBW is contiguous with the Pacific

Ocean at certain times of the year. The presence of ample amounts of graffiti spread on both the inside and the outside of the Smelter structures documents the lack of Site security and potential for exposure due to direct contact to the Smelter waste.

**Waste Management Unit (WMU):** The WMU covers an area of approximately 15 acres to a height of about 40 feet above the natural ground surface. The volume of the WMU is estimated to be approximately 450,000 cubic yards. The process solids waste in the WMU has concentrations of metals (arsenic, barium, beryllium, cadmium, chrome, copper, lead, nickel, silver, zinc) and radionuclides ( $^{228}\text{Th}$ ,  $^{230}\text{Th}$ , and  $^{40}\text{K}$ ) significantly above background. Observations at the WMU indicate that the pile is largely uncovered, except variably along the berm wall surfaces where a soil cover up to 12 inches deep is present. Vegetation does not grow on the exposed surfaces, and is severely stressed where the cover is present. There is physical evidence of slumping and mass wasting of process solids waste into the adjacent wetlands, NCL, and the OID. In addition, there are bicycle and motorcycle tracks across much of the WMU, indicating that it is regularly used for recreational purposes. Although the PRPs fenced the WMU as part of the 2006 Settlement Agreement, the fence is not maintained and the gate is not secured.

Thirty-five air samples were collected from six stations across the Site. The samples were submitted to a laboratory for metals analyses by U.S. EPA Method 6010B. Wind directions during the day were generally out of the west, southwest and northwest. Metals were detected in downwind samples on every day that samples were collected. At least one of the following analytes: antimony, arsenic, beryllium, cadmium, copper, lead, nickel, selenium and silver, are significantly elevated with respect to background during the sampling period. All of these stations are within one-quarter mile of the WMU.

A statistical rendering of the laboratory results in accordance with the guidelines in U.S. EPA Document No. Solid Waste-846, Chapter 9, indicates that the waste materials at the Site may not be considered RCRA hazardous wastes. Waste materials in the WMU may be considered California Hazardous Waste under Title 22 of the California Code of Regulations (CCR 22) based on results exceeding Total Threshold Limit Concentration (TTLC) and Soluble Threshold Limit Concentration (STLC) thresholds for barium, beryllium, and copper. An initial examination of the WMU waste by population indicates that, while the waste is heterogeneous, each population exceeds at least one of the determining factors for a California Hazardous Waste pursuant to CCR 22.

**Waste Disposal Area (WDA):** The WDA covers an area of approximately 13 acres to a height of about 5 feet above the natural ground surface. The volume of the WDA is estimated to be approximately 112,900 cubic yards. The WDA has concentrations of metals (barium, beryllium, chrome, lead, nickel, silver and zinc) and radionuclides ( $^{228}\text{Th}$ ,  $^{230}\text{Th}$ , and  $^{232}\text{Th}$ ) significantly above background. The WDA is direction north

and attached to the WMU. The same security and trespass problems exist as in the WMU.

Nature Conservancy Lands (NCL): The IA documented the presence of heavy metal contaminated soils (barium, beryllium, cadmium, chromium, copper, lead and zinc) and radioisotopes ( $^{137}\text{Cs}$ ,  $^{228}\text{Th}$ ,  $^{230}\text{Th}$ , and  $^{232}\text{Th}$ ) in the NCL. The NCL is nesting habitat for State of California endangered Belding's Sevanah Sparrow (*Passerculus sandwichensis beldingi*).

Oxnard Industrial Drain (OID) and Ormond Beach Wetlands (OBW): A release of barium, beryllium, cadmium, chromium, copper, lead, nickel, zinc,  $^{228}\text{Th}$ ,  $^{230}\text{Th}$ , and  $^{232}\text{Th}$  to the OID has been established, based on the results of the 2006 IA sampling effort. A release of beryllium, cadmium, chromium, copper, cobalt, lead, nickel, zinc,  $^{40}\text{K}$ ,  $^{228}\text{Th}$ ,  $^{230}\text{Th}$ , and  $^{232}\text{Th}$  to the wetlands south of the Site has been established, based on the results of the 2006 IA sampling effort. Heavy metals and radionuclides were reported in downstream locations at concentrations significantly above background. This release is attributable, at least in part, to the Halaco Site, because these hazardous substances have been detected at elevated concentrations in samples collected from on-site sources. In addition, there is physical evidence of slumping and mass wasting of process solids waste material into the adjacent wetlands, NCL, and the OID. The OID feeds the OBW, which is home to numerous California and Federal Endangered Species (Appendix A, Section III.2).

## **2. Continued Response Actions are Immediately Required to Prevent, Limit or Mitigate an Emergency.**

The implementation of storm water management, soil erosion and wind erosion measures will prevent further contamination of the OBW, OID and NCL (Appendix C). These actions are immediately required due to the pending rainy season. These measures will prevent airborne and waterborne erosion and dissemination of the heavy metal and radioisotope hazardous substances present on-site. Due to the instability of the walls of the WMU, sloughing of waste into the NCL, OID and OBW is occurring. The removal action will stabilize these walls until long-term response actions can be taken. The implementation of stricter security measures will also prevent exposure to trespassers including off-road vehicles, bicyclists and joggers at the Site. These actions are designed to stabilize the Site while it progresses through the NPL listing process.

## **3. Assistance will not otherwise be provided on a timely basis.**

As stated above, DTSC and the LARWQCB do not have the financial resources to undertake the necessary removal action as described in this Action Memorandum. An ongoing threat to the public health, welfare, and the environment continues because of the lack of resources available by the state and local governments. The U.S. EPA is actively investigating the potential for liability at the Halaco Site by other private parties. Because of the significant time needed to complete the investigation

and negotiation of a separate private response, and because of the imminent threats posed by the uncontrolled heavy metals and radioactive material at the Site and the ongoing rainy season, immediate response actions are necessary to mitigate the potential for continued release of these hazardous substances from the Site.

An exemption from the \$2 Million Statutory Limit is justifiable under 40 C.F.R. §300.415(b) (5) (i), which provides that the exemption is appropriate when: there is an immediate risk to public health or welfare or the environment; continued response actions are immediately required to prevent, limit, or mitigate an emergency; and such assistance will not otherwise be provided on a timely basis. As stated in this memorandum, there is an immediate risk posed by the conditions at the Site and an emergency exemption to the \$2 Million Statutory Limit is necessary to abate these threats.

## **VI. PROPOSED ACTIONS AND ESTIMATED COSTS**

### **A. Proposed Actions**

#### **1. Proposed action description**

The purpose of this removal action is to mitigate the threats to human health and the environment posed by the presence of uncontrolled hazardous substances including heavy metals and radioactive isotopes at the Site. Specifically, the following actions are proposed:

1. Develop and implement a site specific health and safety plan;
2. Develop and implement a community relations plan to advise surrounding businesses and residence of U.S. EPA Region 9's plans.
3. Provide site security measures which may include, but are not limited to, security guard service, repair, replacement, or installation of chain link fencing, and posting warning signs;
4. Develop and implement an air monitoring and sampling and analysis program to ensure there is no off-site release of radioisotopes or heavy metals;
5. Contain or stabilize all hazardous substances and process solids from the Smelter area and Waste Management Unit;
6. Stabilize the Smelter, WMU and WDA to prevent discharge of solids into the OID, NCL or OBW through storm water and wind erosion management measures following the specifications in Appendix C.
7. Further assess the NCL and OBW for the presence of radioactive isotopes in excess of background concentrations utilizing the U.S. EPA Office of Radiation and Indoor Air's Enhanced Radiation Ground Surveyor.
8. Temporarily replace the bridge from the Smelter to the OID.

The threats posed by the presence of radioactive isotopes and heavy metals meet the criteria listed in Section 300.415(b) (2) of the NCP and are consistent with any long-term remedial action that may be required.

The OSC has begun planning for the provision of post removal site control, consistent with the provisions of Section 300.415(l) of the NCP. Upon the completion of the removal action, post removal site control will be transferred to the U.S. EPA Region 9 Remedial Program.

## **2. Contribution to remedial performance**

This removal action should remove all immediate threats posed by uncontrolled hazardous substances at the Site and is consistent with long-term remedial action. The Site is currently undergoing a Hazard Ranking System evaluation as a precursor to listing on the NPL.

## **3. Description of alternative technologies**

Alternative technologies are not considered for the proposed response action.

## **4. Applicable or relevant and appropriate requirements (ARARs)**

Section 300.415(j) of the NCP provides that removal actions must attain ARARs to the extent practicable, considering the exigencies of the situation.

Section 300.5 of the NCP defines applicable requirements as cleanup standards, standards of control, and other substantive environmental protection requirements, criteria or limitations promulgated under federal environmental or state environmental or facility siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location or other circumstances at a CERCLA site.

Section 300.415(j) of the NCP defines relevant and appropriate requirements as cleanup standards, standards of control and other substantive requirements, criteria, or limitations promulgated under federal environmental or state environmental or facility siting laws that, while not "applicable" to a hazardous substance, pollutant, or contaminant, remedial action, location, or other circumstances at a CERCLA site, address problems or situations sufficiently similar to those encountered at the CERCLA site and are well-suited to the particular site.

Because CERCLA on-site response actions do not require permitting, only substantive requirements are considered as possible ARARs. Administrative requirements such as approval of, or consultation with administrative bodies, issuance of permits, documentation, reporting, record keeping and enforcement are not ARARs for the CERCLA response actions confined to the site.

Only those state standards that are identified by a state in a timely manner and are more stringent than federal requirements may be applicable or relevant and

appropriate. The following ARARs have been identified for the proposed response action. All can be attained.

Federal ARARs: Potential Federal ARARs are the RCRA Land Disposal Restrictions, 40 CFR. § 268.40 Subpart D; the CERCLA Off-Site Disposal Rule, 40 CFR § 300.440; and the U.S. Department of Transportation of Hazardous Materials Regulations, 49 CFR Parts 171, 172, and 173.

State ARARs: Potential State ARARs are Characteristics of Hazardous Waste as implemented through the California Code of Regulations (CCR), 22 CCR §§ 66261.20 - 66261.24, and the Definition of RCRA and Non-RCRA Hazardous Waste, 22 CCR §§ 66261.3, 66261.30, and 66261.100-101. The substantive requirements only of the LARWQCB Industrial Storm Water General Permit Order 97-03-DWQ, which is an NPDES permit that regulates storm water discharges at this Site.

**5. Project schedule**

Removal activities are expected to take 42 on-site working days to complete.

**B. Estimated Costs**

	<b>Current Ceiling</b>	<b>Proposed Increase</b>	<b>New Ceiling</b>
<u>Regional Removal Allowance Costs</u>			
Cleanup Contractor	500,000	1,373,000	1,873,000
<u>Extramural Costs Not Funded from the Regional Allowance</u>			
START	35,000	365,000	400,000
Pacific Strike Team	0	60,000	60,000
Extramural	107,000	359,600	466,600
Contingency (20%)			
Total Extramural	\$642,000	\$2,157,600	\$2,799,600
Project Ceiling			

**VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

Given the Site conditions, the nature of the hazardous substances documented on-site, and the potential exposure pathways to nearby populations and sensitive ecosystems described in Sections III and IV above, actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health or welfare or the environment.

## VII. OUTSTANDING POLICY ISSUES

At this time, no outstanding policy issues with the Site have been identified.

## VIII. ENFORCEMENT

Please see the attached Confidential Enforcement Addendum for a discussion regarding potentially liable parties and anticipated enforcement. In addition to the extramural costs estimated for the proposed action, a cost recovery enforcement action also may recover the following intramural costs:

Intramural Costs	Current Ceiling	Proposed Increase	New Ceiling
<u>Direct Costs</u> <sup>1</sup>			
On-Scene Coordinator	15,000	50,000	65,000
ORIA	15,000	NA	15,000
<u>U.S. EPA Indirect Costs</u> (35.28% of \$ Extra + Intramural Costs)	237,082	778,841	1,015,922
Total Intramural Cost	267,082	828,841	1,095,922
Total Removal Ceiling	909,082	2,986,441	3,895,523

The total U.S. EPA Region 9 extramural and intramural costs for this removal action, based on full-cost accounting practices that will be eligible for cost recovery, are estimated to be \$3,895,523, of this, an estimated \$ 1,873,000 comes from the Regional removal allowance.

<sup>1</sup> Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual costs from this estimate will affect the United States' right to cost recovery

## IX. RECOMMENDATION

This decision document represents the selected removal action for the Halaco Engineering Company Site developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the Site. The Index for the Administrative Record for the Site is listed in Appendix A and Appendix D.

Conditions at the Site meet the NCP criteria for a removal action under 40 C.F.R. § 300.415 (b) (2), and the exemption from the response cost limitation of \$2,000,000, pursuant to 42 U.S.C. § 9604(c) (1) and 40 C.F.R. § 300.415(b) (5). I recommend your approval of the proposed removal action and the \$2 million exemption. The total project ceiling if approved will be \$3,895,523, of this, an estimated \$ 1,873,000 comes from the Regional removal allowance will be funded from the FY07 Regional removal allowance.

Approve:  2/1/2007  
For Wayne Nastri, Administrator Date  
Region IX

Disapprove: \_\_\_\_\_  
Wayne Nastri, Administrator Date  
Region IX

Confidential Enforcement Addendum

Appendices

- A: Request for Time Critical Removal Action at the Halaco Engineering Co. Site, June 9, 2006
- B: Integrated Assessment Halaco Engineering Company, Oxnard, Ventura County, California
- C: ERRS Storm Water Management Proposals
- D: Amendment to the Administrative Record Index

cc: S. Fielding, U.S. EPA, OEM, HQ  
C. Trgovcich, California Environmental Protection Agency, Department of Toxic Substances Control  
P. Port, U.S. Department of the Interior  
M. Levine, California Attorney's General Office

## APPENDIX C

### ERRS Storm Water Management Proposals

**Halaco Engineering**  
**Stormwater and Erosion Control Options**  
**Task Order No. 02-016-9075**  
**EQ Project No. 030196.0075**

- Determine the waste pile pH, and stormwater pH during the first rainfall event.
- Site-wide
  - **BMP WE-1 Wind Erosion Control**, or dust control.
  - Install **BMP SE-10 Storm Drain Inlet Protection** to all appropriate downstream catch basins and/or drains along Perkins Road.
  - Replace the existing silt fence with properly installed **BMP SE-1 Silt Fence**; use **BMP SE-9 Straw Bale Barrier** as a secondary sediment trap. Surround the entire waste pile footprint, and all suspected contaminated areas (the access roads, other disturbed areas), as determined by START.
- Facility
  - Source control for interior/exterior stockpiles by installing berms, temporary cover on interior waste piles and on exterior (sources).
  - Block existing point discharges to the City system and/or the OID, convey to a temporary **BMP SE-2 Sediment Basin** or portable sediment tank [Baker tank].
  - Stormwater monitoring at any point discharge, to be determined during the first rain event. It is anticipated that all discharges are to be contained onsite.
  - Clean out existing sumps within the buildings and at the facility gate; maintain and clean out periodically, as necessary.
- Stockpile
  - Selectively grade the waste pile to reduce outer slope steepness (to 4:1 or 5:1).
  - Stabilize the outer slopes using **BMP EC-3 Hydraulic Mulch** (biodegradable bonded fiber matrix, but NOT if the surface is already saturated) on north- and west-facing slopes; use **BMP EC-13 PAM** on slopes on the south- and east-facing sides, the water side (if PAM is used, the areas must also ultimately drain to a sediment trap) ; if slopes must remain steeper than 3:1, stabilize using an appropriate **BMP EC-7 Geotextiles and Mats**, such as jute mat.
  - Stabilize suspected contaminated roadways and/or any suspected contaminated disturbed areas post-constructing using **BMP EC-5 Soil Binders** or **BMP EC-13 PAM** (if PAM is used, the areas must also ultimately drain to a sediment trap).
  - Construct ditches to convey runoff from toe-of-slope away from the waste pile (generally to the north) as necessary (TBD during construction); use temporary drainage ditches with **BMP SE-4 Check Dams** in suspected contaminated soil, use **BMP EC-9 Earthen Dikes and Drainage Swales** are appropriate in uncontaminated soils.
- OID

- Streambank stabilization using riprap and existing barriers on the facility-side slope. On the waste pile slope, install silt fence and straw bale barriers as described above to prevent runoff from entering the surface water.
- Depending on existing topography, install berms and/or riprap for temporary flooding mitigation, as necessary.
  - Note: All stormwater controls should be sized according to local requirements and streambank stabilization should be based on the 100-year flood elevation, or as appropriate based on local regulatory requirements.
  - The volume estimate is suspect. At 15 acres, it is assumed to be 450,000 CY and 20 to 40 feet thick. At that area and volume, the average thickness 18.5 feet thick; I think the volume is grossly underestimated. Assuming 40 feet thick and 15 acres, the volume would be closer to a million CY.

BMP Reference: January 2003 California Stormwater Quality Association Stormwater Best Management Practice Handbook Construction

## APPENDIX D

### Amendment to the Administrative Record Index

1. Integrated Assessment Halaco Engineering Company, Oxnard, Ventura County, California
2. ERRS Storm Water Management Proposals