



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**

75 Hawthorne Street  
San Francisco, CA 94105

**APR 26 2010**

**MEMORANDUM**

**SUBJECT:** Request for a Time-Critical Removal Action at NuWay Dry Cleaners Site,  
City of Victorville, San Bernardino County, California

**FROM:** Daniel Shane, On-Scene Coordinator  
Emergency Response Section (SFD-9-2)

**TO:** Jim Hanson, Acting Assistant Director  
Emergency Response, Planning and Preparedness

**THROUGH:** Harry Allen, Chief *HA*  
Emergency Response Section (SFD-9-2)

**I. PURPOSE**

The purpose of this Action Memorandum is to obtain approval to spend up to \$746,000 in direct extramural costs for the United States Environmental Protection Agency, Region IX ("EPA") to mitigate threats to human health and the environment posed by uncontrolled hazardous substances (specifically tetrachloroethylene or "PCE") in the soils at the former NuWay Dry Cleaners facility (the "Site"). The proposed removal of hazardous substances would be taken pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. ' 9604(a)(1), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 C.F.R. ' 300.415.

**II. SITE CONDITIONS AND BACKGROUND**

Site Status: Non-NPL  
Category of Removal: Time-Critical  
CERCLIS ID: CAN000908798  
SITE ID: 09TJ

## A. Site Description

### 1. Physical location

The Site is located at 15595 8<sup>th</sup> Street, Victorville, San Bernardino County, California, 92395 (Latitude 34° 32' 04" North, Longitude 117° 17' 34" West). The Site is situated approximately one block southeast of Highway 66 and approximately 0.20 mile southwest of the Mojave River. The Site is located in a mixed residential and commercial area. The Site property consists of a rectangular lot approximately 7,100 square feet in size and is bounded by 8<sup>th</sup> Street and C Street. The former dry cleaning facility was a building approximately 5,600 square feet, which is now demolished. Across 8<sup>th</sup> Street to the northwest is a motel, and across C Street to the northeast is the High Desert Center for the Arts. Adjacent to the southwest of the Site is the Victorville Elementary School Administrative Building and associated asphalt parking area. Across an alley to the south and southeast are low income housing units.

The U.S. Bureau of Census' demographic profile forecasted for the year 2009 a population of 561 within a 0.25 miles radius of the Site and a population of 1,775 within a 0.5 miles radius. Nearly  $\frac{3}{4}$  of the population within 0.25 miles radius are people of Hispanic origin. There is a residential area located to the east and commercial area to the north, south and west. Sensitive populations include the Dr. Mike's Walk in Clinic at the corner of Hesperia Rd and C Street, University Preparatory School a few blocks south of the Site on Forrest Avenue and 8<sup>th</sup> Street, and Victor Valley Community Hospital about 0.5 miles away from the site on 11<sup>th</sup> Street.

### 2. Site characteristics

The Site was previously occupied by a laundry and dry cleaning operation from approximately the late 1950s to 2001, when the property was seized by the County of San Bernardino. The City of Victorville (the "City") acquired ownership of the property from the County of San Bernardino in 2007. The Site is located within the City's Old Town Strategic Action Plan ("OTSAP") area, an important part of the City's redevelopment efforts. Future development in this area is currently envisioned as an artist-friendly environment consisting of live-work lofts and residential townhouses.

The City demolished the former dry cleaning building in 2008 and removed all of the building debris and equipment. A concrete slab foundation is the only structure remaining on the Site. There was a V-shaped trench and several sumps cut into the concrete slab that may have been used to collect fluids drained or spilled from the dry cleaning and washing machine locations inside the building. There appears to be a connection between the final sump and the sanitary sewer that is located in the alley behind the southwest wall of the building remnants. Additionally, there may also be a UST, sump or cistern located near the former boiler room on the east side of the building remnant.

The Site is situated at an elevation of approximately 2,740 feet above mean sea level. Topographic relief at the Site is flat, and the general vicinity slopes gently northeast toward

the Mojave River. The Site is located within the Mojave Desert Section of the Basin and Range Physiographic Province. Surface and shallow subsurface soils in the Site vicinity are Pleistocene-aged alluvium derived from weathering of the San Bernardino Mountains located to the south-southeast. Based on an environmental assessment conducted approximately 0.25 mile southwest and upgradient of the Site, sandy silts and silty sands extended from the surface to approximately 70 feet below ground surface ("bgs"), below which well-graded sands were present to approximately 98 feet bgs. Finer-grained sediments (sand and silty clays) underlay the well-graded sands to at least 105 feet bgs. Shallow groundwater was encountered during the referenced assessment at a depth of approximately 80 feet bgs. Groundwater was anticipated to flow northeast toward the Mojave River.

In 2009, EIGov-ICF, an environmental contractor for the EPA Targeted Brownsfields Program ("TBA"), conducted a Phase I and Phase II Environmental Site Assessment ("ESA"). As part of the Phase II ESA, EIGov-ICF conducted limited sampling and analysis of shallow soils for volatile organic compounds ("VOCs"), semi-volatile organic compounds ("SVOCs"), total petroleum hydrocarbons as gasoline ("TPH-gas"), metals and pesticides. Additionally, soil gas sampling and analysis for VOCs at depths ranging from 5 to 20 feet bgs was performed throughout the Site as well as at surrounding adjacent locations. Due to concerns with creating an exposure pathway for Site contamination to migrate to groundwater, no groundwater monitoring wells were installed on or off-Site.

Four shallow soil samples were collected at approximately 2 feet bgs beneath a V-shaped concrete-lined trench located in the southwest corner of the former building's foundation. The concentrations of PCE detected in the soil samples ranged from 0.051 milligrams per kilogram ("mg/kg") in the sample at the northeast corner of the trench to a maximum of 9,500 mg/kg in the sample collected at the northwest corner of the trench. The PCE concentrations were compared to the EPA Region 9 Regional Screening Level ("RSL") for residential soils, which is 0.55 mg/kg. No additional soil matrix samples were collected for VOC analysis during the TBA.

Soil gas samples were collected from varying depths at 31 locations across the entirety of the Site at grid spacing generally ranging from approximately 10 to 20 feet. A total of 19 additional off-Site soil gas locations were sampled along the perimeters of the four surrounding properties adjacent to the Site, with the exception of the school administration property to the southwest, in which the soil gas sample locations extended about 50 yards southwest into the property to the existing school administrative building. PCE concentrations were detected in every 5-foot and 10-foot bgs soil gas probe in both the on-Site and off-Site locations. PCE concentrations were also detected in the two 20-foot bgs soil vapor samples located on-Site. PCE concentrations in the 5-foot bgs samples ranged from 73,000 micrograms per cubic meter (" $\mu\text{g}/\text{m}^3$ ") to  $5.3 \times 10^6 \mu\text{g}/\text{m}^3$ ; concentrations of PCE in the 10-foot bgs soil vapor samples ranged from  $66,000 \mu\text{g}/\text{m}^3$  to  $6.4 \times 10^6 \mu\text{g}/\text{m}^3$ . The concentrations in the two 20-foot bgs soil vapor samples were  $9.6 \times 10^6 \mu\text{g}/\text{m}^3$  and  $9.7 \times 10^6 \mu\text{g}/\text{m}^3$ . All concentrations exceeded the Site screening level for PCE in soil vapor of  $180 \mu\text{g}/\text{m}^3$ , as based on the California Human Health Screening Level ("CHHSL," per California EPA, 2005).

Concentrations of TCE were also detected above the CHHSL ( $528 \mu\text{g}/\text{m}^3$ ) at 13 soil vapor locations; TCE concentrations exceeding the screening level ranged from  $1,500 \mu\text{g}/\text{m}^3$  to  $8,800 \mu\text{g}/\text{m}^3$  and were present at both 5 and 10 feet bgs; TCE was not detected above the laboratory reporting limit in the two 20-foot bgs samples. While some of the highest soil gas concentrations of PCE and TCE were detected in close proximity to the location where the highest PCE concentrations in surface soil were detected in the southwest corner, elevated concentrations of PCE were also present throughout the remainder of the Site property as well as at the off-Site property sample locations. Additionally, a pipe containing petroleum product, believed to lead to an undocumented UST, was encountered in the area where the boiler room was formerly located. Although high TCE concentrations were detected in several soil gas samples, the primary contaminant of concern was PCE.

The results of the Phase II ESA indicated a significant release and dispersion of the chemical originating from an on-Site location. Based on soil and vapor sampling results, there was a particularly high concentration of PCE in soils under the V-shaped trench in the southwest corner of the building footprint. Based on the analytical results, EIGov-ICF recommendations included additional work to further define the lateral and vertical extent of on-Site soil contamination, with a potential interim removal action of PCE-saturated soils encountered during soil sampling at the Site.

### 3. Removal Site evaluation

In November 2009, the Site was referred to the EPA Emergency Response Section. On January 7, 2010, EPA On-Scene Coordinator, Daniel Shane, conducted a Site walk with the EPA's Superfund Technical Assessment Team ("START") contractor and TBA contractor. Also in attendance were the City and the Regional Water Quality Control Board – Lahontan Region ("RWQCB"). The City agreed to install a chain-linked fence around the perimeter of the property and provided a written consent for EPA to access the Site. START located and marked twenty (20) borehole locations based on soil vapor concentrations and other historical information. START used Visual Sample Plan Version 5.3.1 software to generate a systematic grid sampling design combined with judgmental sampling locations for both on-site and off-site locations for the purpose of evaluating PCE concentrations in soils within the former historical dry cleaning operations area (former building footprint) besides the southwest corner of the Site; and to characterize the lateral and vertical extent of the known PCE contamination in soil both on and off-Site. Following the Site visit, START used a geotechnical subcontractor to conduct a Ground Penetrating Radar survey to locate underground utilities and structures below the concrete slab foundation. The survey discovered an anomaly near the suspected location of an underground tank. The anomaly, which did not have the appearance of a storage tank with rounded sides, appeared to be a buried cistern or sump-like structure.

On January 25, 2010, EPA On-Scene Coordinator, Daniel Shane, EPA Richmond Laboratory, START contractor and the USCG Pacific Strike Team ("PST") mobilized to the site to collect and analyze soil samples to be collected from on and off-Site locations. The majority of the approximately 7,000 square foot sample area consisted of the former building footprint area. Based on soil vapor concentration data, part of the off-Site area adjacent to

the southwest (the school administration building parking lot) and the northeast perimeter of the site adjacent to the building footprint were also included in the sampling area. The PST and START contractor worked in tandem to locate and drill boreholes into the concrete slab foundation and adjacent off-site asphalt parking lot areas. There were a total of 21 borehole sampling locations. Five (5) boreholes were constructed in the asphalt parking lot on the southwest side of the property to determine the extent of lateral contamination into off-Site areas. PST and START operated the GEOPROBE equipment for the collection of surface and subsurface soil samples at 0.5, 5.0 and 10 foot intervals. Soil samples were also collected at fifteen (15) and twenty (20) foot intervals at four locations where the 10 foot samples were anticipated to be above the RSL. The EPA mobile laboratory analyzed soil samples using a field HAPSITE® GC/MS. Soil samples were also sent to the EPA Richmond Laboratory and a commercial laboratory for confirmation analysis. A total of 91 soil samples were collected and analyzed for PCE and its degradation products - TCE, cis-1,2-DCE, trans-1,2-DCE, 1,1-DCE, and vinyl chloride. The field assessment was completed on January 29, 2010.

Based on the analytical results for the soils, the primary contaminant of concern is PCE. Of the 21 soil samples collected at the 0.5 foot interval, twenty (20) soil samples exceeded the RSL, including all 5 samples collected off-Site. PCE concentrations above the RSL ranged from 560 ug/kg to 750,000 ug/kg at 0.5 feet bgs. Six (6) soil samples collected at the 5 foot interval exceeded the RSL. PCE concentrations above the RSL ranged from 610 ug/kg to 82,000 ug/kg. Three soil samples collected at the 10 foot interval exceeded the RSL. PCE concentrations ranged from 720 ug/kg to 52,000 ug/kg. The four soil samples collected at the 15 foot interval all exceeded the RSL. PCE concentrations ranged from 780 ug/kg to 1,500 ug/kg. One of the four samples collected at the 20 foot interval exceeded the RSL. The PCE concentration was 2,900 ug/kg.

Based on these results, most of the upper soil surface layer underlying the concrete building foundation had PCE concentrations above the RSL of 550 ug/kg. Some of the highest concentrations were found in samples collected at the 0.5 foot interval. Approximately 1/3 of the site (southwest portion of the property) may have PCE concentrations above the RSL at the 5 foot interval. This is consistent with eyewitness accounts of waste solvent dumping along the southwest wall of the former building. The areas where soils were significantly elevated above the RSL at depths of 5 feet or greater were concentrated around borings NW-3 and NW-11. These areas may be primary PCE sources contributing to off-Site subsurface soil gas migration. The soil gas migration poses a potential threat of vapor intrusion into nearby residential and non-residential buildings.

Indoor air sampling will be conducted in May 2010 to assess vapor intrusion into nearby buildings as a precautionary measure to ensure concentrations of VOCs in the indoor air are not unsafe to the occupants.

4. National Priorities List (NPL) status

The Site is not currently on or proposed for inclusion on the NPL.

B. Other Actions to Date

1. Previous Actions

The City demolished the dry cleaners' building in 2008. Building debris, dry cleaning equipment, and several drums of hazardous waste were hauled away. Additionally, the city installed a chain-link fence around the perimeter of the Site to restrict unauthorized access. In the January 2009, the RWQCB collected a grab sample from the sewer outfall to the Mohave River located approximately 0.20 miles down gradient from the site. The RWQCB analysis of the water sample revealed non-detect levels of PCE. To date, no other actions have been taken at this site.

2. Current Actions

There are currently no actions being taken at this site.

C. State and Local Authorities Roles

1. State and local actions to date

State and local inspection and compliance records and information pertaining to the facility's operation and hazardous waste management practices were practically non-existent. OSC Shane contacted Public Works to have the sump/sewer connection plugged.

2. Potential for Continued State/Local Response

State and local agencies have asserted that they lack the resources to undertake the required cleanup action at this time. OSC Shane communicated with California Department Toxics Substances Control ("DTSC") and the RWQCB on April 1, 2010, concerning funding and was informed it was not available. In a letter dated April 8, 2010, the DTSC requested assistance from EPA to conduct a removal action at the facility.

Since the City and its Department of Economic Development asserted to lack sufficient resources to assess contamination at the Site, EPA's Targeted Brownfields Assessment Program provided technical assistance by conducting a Phase 1 and 2 Environmental Site Assessment. The City has been cooperative and, at the request of OSC Shane, had installed a chain-link fence around the Site and provided secure space and power for EPA's mobile laboratory at the Community Services Department facility. In addition, it has assisted EPA with community relations.

The RWQCB is currently investigating the potential impacts to groundwater from the release of PCE into the environment. There are domestic supply wells and private wells

within one mile of the Site.

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

Conditions at the Site represent a release, and potential threat of release, of a CERCLA hazardous substance threatening to public health or welfare or the environment based on the factors set forth in the NCP. These factors include:

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

To the northwest is a motel, and to the northeast is the High Desert Center for the Arts. Adjacent to the southwest of the Site is the Victorville School Administrative Building and associated asphalt parking area. Across an alley to the south and southeast is a residential area. From the southwest corner of the property a sanitary sewer running north-south is located in the alley and is within 20 feet of the Site. The nearest homes, which are adjacent to the alley, are within 40 feet of the Site. There is an estimated 516 people living within 0.25 miles of the site.

There are high concentrations of PCE in soils from 0.5 to 20 feet bgs in an area encompassing borehole locations NW-3 and NW-11 or approximately 1/3 of the total area of the Site. This is likely the source of the high concentrations of PCE in soil vapor emanating off-Site. High soil vapor concentrations were detected in soil gas samples collected approximately 50 yards from the source. There are potential exposures to people living nearby and people who work and visit public buildings in close proximity to the Site. There is a potential threat of vapor intrusion into the homes and buildings. The sanitary sewer could become a conduit for vapor migration and a potential exposure to workers who maintain the sewer system. START monitored a sewer manhole in the alley with a PID and recorded a total VOC concentration of 2.8 ppm. Although this level is well below the OSHA permissible exposure limit of 100 ppm for PCE, cracking or fissures that may develop in the sewer pipe may become a conduit for soil vapors and pose a health hazard to maintenance workers.

PCE is widely used for dry cleaning and for degreasing machinery. Occupational exposure to high concentrations of PCE can cause dizziness, headache, sleepiness, confusion, nausea, difficulty in speaking and walking, unconsciousness, and death. The health effects of breathing air or drinking water with low levels of PCE are not known. Results of animal studies, conducted with amounts much higher than those that most people are exposed to, show that PCE can cause liver and kidney damage. Exposure to very high levels of PCE can be toxic to the unborn pups of pregnant rats and mice. Neurological changes were observed in the offspring of rats that breathed high levels of the chemical while they were pregnant. The Department of Health and Human Services has determined that PCE may reasonably be anticipated to be a carcinogen. PCE has been shown to cause liver tumors in mice and kidney tumors in male rats.

The City has important plans for the area in which this Site is located. As part of the OTSAP redevelopment efforts, the City envisions this area to be an artist-friendly environment consisting of live-work lofts and residential townhouses. There would be a potential threat to the people from exposure to high concentrations of VOCs in the soils and soil gases, and possibly the groundwater, beneath the Site.

**2 High levels of hazardous substances or pollutants or contaminants in soil largely at or near the surface that may migrate.**

Sampling by EPA during the TBA and the Removal Preliminary Assessment has documented the presence of PCE above human health screening levels in surface soil samples. The maximum concentration of PCE in soil at 0.5 feet bgs was 4-orders of magnitude higher than the EPA RSL for soils in residential areas. Currently, a concrete slab foundation and asphalt parking lot covers the surface soils but the City plans to redevelop this area into residential housing. There is a small strip of exposed soil between the former building and the asphalt parking lot where PCE wastes may have been disposed between early 1950's and mid-1970's (see "Confidential Enforcement Addendum" for more details)

Very high concentrations of PCE were observed above human health screening levels in every soil gas sample analyzed. The soil gas survey revealed the PCE was migrating off-Site via soil vapors at five and ten feet bgs. Maximum concentration of PCE in soil gas at a depth of 20 feet bgs were 4-orders of magnitude higher than the State human health screening levels for soil gas in residential areas. High levels of PCE in soil gas were detected at least 50 yards from the Site. Homes, businesses and public buildings are located in close proximity to high levels PCE in the soil gas medium.

During the Removal Preliminary Assessment, soils observed during sampling were predominantly silty sands and sandy silts to approximately 10 feet bgs, well graded sands from approximately 10 to 15 feet bgs, and then silty sands transitioning back to well-graded sands at approximately 20 feet bgs. Based on the lithology, the soils were highly permeable. This is an important factor for migration of VOCs. There is a high potential for groundwater contamination at this Site. Additionally, if high levels of PCE have migrated to groundwater it could become another potential source of vapor intrusion and exposure to people in homes and businesses in the path of groundwater movement.

The RWQCB reported the groundwater depth below the Site was approximately 40-50 feet bgs. Due to concerns with creating an exposure pathway for Site contamination to migrate to groundwater, no groundwater monitoring wells have been installed on or off-Site. According to RWQCB, no PCE or TCE has been detected in domestic supply wells within the area.

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

During rainfall events water could infiltrate into exposed soils around the Site. The soils could become saturated. Soils in the area are highly permeable. A high degree of soil



saturation and permeability may enhance the conditions for contaminant migration to groundwater.

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

No other appropriate and timely federal, state, or local public funding source has been identified. DTSC and RWQCB asserted that the proposed action exceeds the financial capability of the California State Emergency Reserve Account and Cleanup and Abatement Account, respectively. In a letter dated April 8, 2010, the DTSC formally requested federal assistance in responding to the Site.

**IV. ENDANGERMENT DETERMINATION**

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 or welfare or the environment.

**V. PROPOSED ACTIONS AND ESTIMATED COSTS**

**A. Proposed Actions**

**1. Proposed action description**

The primary objective of the removal action is to significantly lower the soil gas concentrations that are migrating towards homes and businesses by removing major sources of soil contamination. A major source of PCE contamination is in the area bounded by borehole locations of NW-3 and NW-11. The area is approximately 80 feet long by 30 feet wide by 5 feet deep or approximately 400 cubic yards of soil. An additional source is the upper surface layer of soil covering most of the property beneath the concrete foundation. This area is approximately 140 feet long by 80 feet wide. This area will be excavated to a depth of one foot and would generate approximately 800 cubic yards of soil. The removal of soils with high PCE concentrations should reduce soil gas concentrations, decrease soil vapor migration, lessen the potential for human exposure to contaminated soils, and be conducive to longer term remediation such as SVE. Additionally, source removal will protect groundwater and diminish the threat of vapor intrusion into residential and non-residential buildings. Following excavation, and prior to backfilling, horizontal slotted piping in permeable packing will be installed in trenches in conformance with standard shallow SVE system design, for use if further SVE efforts become necessary.

The proposed actions are summarized below:

- Mobilize personnel and equipment and set-up;
- Demolish concrete slab foundation;
- Employ engineering controls to control dust and vapor emissions;
- Conduct rigorous air monitoring on perimeter of site to ensure there are no health risks to workers and people in nearby residences during demolition and excavation activities;
- Excavate soils with high PCE concentrations;
- Utilize EPA's mobile laboratory and portable HAPSITE GC/MS to screen soil samples during excavation and EPA Regional laboratory or a commercial laboratory for analyzing confirmation samples;
- Trench and install piping for SVE horizontal extraction wells and headers that can be capped at the surface (this will be done before excavated areas are backfilled);
- Install impermeable vapor barrier over excavated areas;
- Backfill excavated areas with clean soil, sand and gravel to future SVE system specifications;
- Compact and grade surface areas and apply a soil sealant;
- Transport and dispose of hazardous waste materials at an EPA-approved TSDF;
- Install a permanent cyclone fence to restrict access to the Site;
- Demobilize personnel and equipment.

Following this removal action, EPA will conduct off-Site soil gas sampling and indoor air sampling to determine if the concentrations are below action levels. If the soil gas concentrations are above action levels, SVE may be needed to remediate contamination in the deeper soil strata. In the event that subsequent removal actions are needed to remediate PCE contamination at greater depths, this decision document may have to be amended to include these additional costs. The cost of an SVE system is estimated to be \$200,000. In addition, vapor intrusion mitigation systems may have to be installed in buildings in the event PCE concentrations in the indoor air are above the action levels and potentially harmful to the occupants.

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

This removal action should eliminate immediate threats posed by uncontrolled hazardous substances at the Site. Although soil contamination certainly extends deeper, the Site is in a re-development area and further remediation (i.e., SVE) may need to be conducted before the Site is developed. SVE technology is more cost effective for removing soil contamination in the deeper soil strata. This removal action should contribute to, and be consistent with, longer term remediation such as SVE. This removal action should enhance the ability of SVE to remove subsurface contaminants in an acceptable time frame.

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

SVE may be considered, as discussed above.

### **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 300.5 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.

The following ARARs have been identified for the proposed response action.

#### Potential Federal ARARs:

U.S. EPA Region IX Regional Screening Level for residential soils (December 2009);  
U.S. EPA Region IX Regional Screening Level for residential and industrial indoor air (December 2009);  
RCRA Land Disposal Restrictions, 40 C.F.R. ' 268.40 Subpart D;  
CERCLA Off-Site Disposal Rule, 40 CFR ' 300.440;  
U.S. Department of Transportation of Hazardous Materials Regulations, 49 C.F.R. Parts 171, 172, and 173.

#### Potential State ARARs:

California Human Health Screening Levels for residential and commercial indoor air (California EPA, 2005)  
California Human Health Screening Levels for residential shallow soil gas and vapor intrusion (California EPA, 2005)  
California Regional Water Quality Control Board Screening for Environmental Concerns at

Sites with Contaminated Soil and Groundwater (Environmental Screening Levels – Interim Final, November 2007, Revised May 2008)  
Characteristics of Hazardous Waste as implemented through the California Code of Regulations, 22 CCR ' ' 66261.20 - 66261.24;  
Definition of RCRA and Non-RCRA Hazardous Waste, 22 CCR ' ' 66261.3, 66261.30, and 66261.100-101.

## **5. Project schedule**

Removal activities are expected to take approximately 28 working days on-Site. It is anticipated the removal action would commence in June 2010.

## **B. Estimated Costs**

### Regional Removal Allowance Costs

Cleanup Contractor	\$ 764,000
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### Extramural Costs Not Funded from the Regional Allowance

START Contractor	\$ 140,000
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Extramural Subtotal	\$ 904,000
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Extramural Contingency (20%)	<u>\$ 180,800</u>
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TOTAL, Removal Action Project Ceiling	\$ 1,084,800
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## **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 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 memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

## **VII. OUTSTANDING POLICY ISSUES**

There are no outstanding policy issues with the Site identified at this time.

## **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<sup>1</sup>

U.S. EPA Direct Costs	
OSC	\$ 40,000
U.S. EPA Indirect Costs (45.07% of 1,085,000 + 40,000)	<u>\$ 506,947</u>
 TOTAL Intramural Costs	 \$ 546,947

The total EPA 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 \$1,631,747. Of this, an estimated \$764,000 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 NuWay Dry Cleaners Site as developed in accordance with CERCLA and not inconsistent with the NCP. This decision is based on the Administrative Record for the Site.

Because conditions at the Site meet the NCP criteria for a time-critical removal, I recommend that you concur on the determination of imminent and substantial endangerment and the removal action proposed in this Action Memorandum. The total removal action project ceiling, if approved, will be \$1,084,800. Of this, an estimated \$764,000 comes from the Regional removal allowance. You may indicate your decision by signing below.

Approve: \_\_\_\_\_

  
Jim Hanson, Acting Assistant Director  
Superfund Division

Date

4/26/2010

Confidential Enforcement Addendum

Index to the Administrative Record

1. START Removal Preliminary Assessment Report
2. Targeted Brownsfields Program Phase 1 and 2 Environmental Site Assessment Report
3. State Request for Federal Action

cc: Harry Allen, USEPA, Chief, ERS  
Sherry Fielding, USEPA, OEM, HQ  
T. Yargeau, California Department of Toxic Substances Control, Chatsworth Office  
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D. Shane, SFD-9-2  
J. Jaros, SFD-9-4  
C. Temple, SFD-9-4  
B. Lee, SFD-9-4  
Site File