UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 6 1999

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: National Remedy Review Board Recommendations for the Midvale Slag Superfund Site (OU 2)

FROM: Bruce K. Means, Chair
National Remedy Review Board

TO: Max Dodson, Assistant Regional Administrator
Office of Ecosystems Protection and Remediation
EPA Region 8

Purpose

The National Remedy Review Board (NRRB) has completed its review of the proposed remedial action for OU 2 at the Midvale Slag Superfund site in Midvale, Utah. This memorandum documents the NRRB's advisory recommendations.

Context for NRRB Review

As you recall, the Administrator announced the NRRB as one of the October 1995 Superfund Administrative Reforms to help control response costs and promote consistent and cost-effective decisions. The NRRB furthers these goals by providing a cross-regional, management-level, "real time" review of high cost proposed response actions. The board reviews all proposed cleanup actions that exceed its established cost-based review criteria.

The NRRB review evaluates the proposed actions for consistency with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and relevant Superfund policy and guidance. It focuses on the nature and complexity of the site; health and environmental risks; the range of alternatives that address site risks; the quality and reasonableness of the cost estimates for alternatives; regional, state/tribal, and other stakeholder opinions on the proposed actions, and any other relevant factors.

Generally, the NRRB makes "advisory recommendations" to the appropriate regional decision maker before the region issues the proposed response action for public comment. The region will then include these recommendations in the Administrative Record for the site. While the region is expected to give the board's recommendations substantial weight, other important factors, such as subsequent public comment or technical analyses of response options, may influence the final regional decision. It is important to remember that the NRRB does not change the Agency's current delegations or alter in any way the public's role in site decisions.

NRRB Advisory Recommendations

The NRRB reviewed the informational package for the proposed remedial action for operable unit number two (OU2) at the Midvale Slag Superfund Site, and discussed related issues with EPA project managers Fran Costanzi and Stan Christensen on July 28, 1999. Brad Johnson from the Utah Department of Environmental Quality also participated in the discussion. The NRRB recognizes that the region brought this proposal before the NRRB prior to completing the RI/FS in order to solicit early NRRB input on particular issues. Based on its review and discussion of the site, the NRRB offers the following comments.

- The region indicated its intent to restore groundwater at this site to beneficial use (drinking water quality). However, it proposes to use Alternate Concentration Limits (ACLs) to address contamination in the upper sand and gravel (US&G) aquifer. In addition, the informational package did not contain a detailed evaluation of the potential effectiveness and restoration time frames for the various alternatives that address the US&G aquifer such as an aggressive pump and treat option, or the monitored natural attenuation options. With this in mind, the board recommends that the region clarify how and where the groundwater "restoration" remedial action objective (RAO) is expected to be achieved by the proposed action. If the region plans to use an ACL for the US&G aquifer, the region should provide more detailed analysis of the alternatives considered (as well as those factors unique to the use of an ACL) to better justify this proposal over more aggressive options (see CERCLA Sec. 121(d)(2)(B)(ii)). In particular, the region should clarify why active restoration of the ground water is not practicable (Federal Register, Vol. 55, No. 46, March 8, 1990; 40 CFR Part 300, at 8754).

- The board recognizes the importance of addressing the high arsenic levels in the perched aquifer. The region should, however, better demonstrate that the cutoff trench and the blanket drain are necessary, given their estimated combined cost of more than $4 million. In evaluating the need for the trench and drain, the region should show that direct infiltration and/or lateral flow has the potential to resaturate the perched aquifer and that the leachability of contaminants from residual (i.e., native) soils is significant. The region should explain how the cleanup decision on the perched groundwater zone relates to the RAOs for the US&G aquifer.

- The region should identify in its decision documents all applicable or relevant and appropriate requirements (ARARs). In particular, the region should specify any groundwater requirements and how they affect the proposed action.

- The board notes that slag is being used elsewhere in the country in projects such as highway construction and encourages the region to complete its ongoing analysis of potential slag uses and to consider additional alternatives. The results of these analyses should be summarized in the proposed plan for the site. The board concurs that a soil

cap or cover to prevent a direct contact threat is necessary should reuse of this material be impractical.

- The region's proposal for dealing with the mixed smelter waste (remove and consolidate the waste) constitutes a large percentage of the cleanup costs for this OU. During remedy design, the region should reevaluate (and possibly refine) the scope of this consolidation proposal. Final redevelopment and land use plans may present opportunities to reduce the amount of waste to be excavated/ consolidated, while fully protecting against direct contact exposure and leachability.

- The region indicates that there are no significant ecological risks presented by site contamination. However, the information presented to the board contained only limited environmental risk assessment data. The board recommends that the region fully explain in the site decision documents the scope and results of the ecological risk assessment conducted.

The NRRB appreciates the region's extensive efforts to work closely with the state and community groups at this site. The board members also express their appreciation to the region and State of Utah for their participation in the review process. We encourage Region 8 management and staff to work with their regional NRRB representative and the Region 3/8 Accelerated Response Center in the Office of Emergency and Remedial Response to discuss any appropriate follow-up actions.

Please do not hesitate to give me a call if you have any questions at 703-603-8815.

cc: S. Luftig
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