



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

APR 18 1997

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: National Remedy Review Board Recommendations on the
Tex Tin Site

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

TO: Myron O. Knudson, Director
Superfund Division
EPA Region 6

Purpose

The National Remedy Review Board (NRRB) has completed its review of the proposed remedial action for the Tex Tin site located in Texas City, Texas. 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 remedy 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 (and thus potentially controversial) proposed response actions. The Board will review all proposed cleanup actions where: (1) the estimated cost of the preferred alternative exceeds \$30 million, or (2) the preferred alternative costs more than \$10 million and is 50% more expensive than the least-costly, protective, ARAR-compliant alternative.

The NRRB review evaluates the proposed actions for consistency with the National Contingency Plan 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 (to the extent they are known at the time of review); and any other relevant factors.

Generally, the NRRB makes "advisory recommendations" to the appropriate Regional decision maker before the Region issues the proposed plan. 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 remedial 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 package for the Tex Tin site and discussed related issues with EPA Remedial Project Manager Carlos Sanchez, geologist Joe Kordzi, and Texas Natural Resource Conservation Commission (TNRCC) representative Nancy Overesch on July 30, 1997. Based on this review and discussion, the NRRB makes the following comments and recommendations.

- Based on the information provided, the groundwater at the site appears to be a potential drinking water source under EPA guidelines. However, the proposed groundwater remedy (monitoring) appears to be inconsistent with the Agency's groundwater protection strategy and the NCP's expectation that groundwater be restored for beneficial use (NCP Preamble, Vol.55, No.46, March 8, 1990; 40 CFR Part 300, p.8733). The NRRB recommends that the Region address the Agency strategy and NCP expectation in its proposed alternatives. In addition, soil cleanup goals should address any potential threat to groundwater from the leaching of soil contaminants.
- The Region should clarify the rationale for the proposed remediation goals at the site and how they were determined in the context of the NCP's "point of departure" provisions (NCP Section 300.430(e)(9)).
- The proposed plan indicates that inorganic contaminants pose a potential ecological threat to receptors at the Tex Tin site. The Region should clarify how this threat is addressed by the proposed response action alternatives and their associated remediation goals.
- The information provided does not fully explain how the Region plans to deal with naturally occurring radioactive materials (NORM slag) in surface soils and low level radioactive waste buried on site. The Region should clearly explain, both from a risk assessment and waste management perspective, how radiological threats are addressed at this site.
- The Region should reconcile the State of Texas regulations for disposal of NORM materials with the preferred alternatives involving onsite disposal.
- The proposed action relies directly on the Toxicity Characteristic Leaching Procedure (TCLP) to identify soils and sediments to be treated as "principal threats." The TCLP is a test for determining whether a waste is a "characteristic" hazardous waste under RCRA. It often does not reliably predict the potential mobility of soil contaminants under the variety of conditions found at Superfund sites. In particular, given the site contaminants at Tex Tin, the Region's use of TCLP to determine principal threats may result in an excessive amount of material being treated. The Region should develop a site-specific rationale for identifying principal threat wastes at Tex Tin in the context of the NCP (40 CFR Section 300.430(a)(1)(iii)) and related guidance (e.g., A Guide to Principal Threat and Low Level Threat Wastes, Superfund Publication: 9380.3-06FS).
- Before issuing the proposed plan, the Region should reach agreement with TNRCC regarding the appropriate classification and use of the on-site injection well.
- If the underground-injection based alternative is proposed, the Region should better justify its cost effectiveness, because the costs of this proposal are greater than similarly protective alternatives.

- The Region should clarify the rationale for proposing alternative "BLD 3" (decontamination and demolition of the buildings) over alternative "BLD2" (building decontamination), to justify the incremental cost of approximately \$7.0 million.

The NRRB appreciates the Region's efforts to work closely with the State to develop the current proposed remedy. The Board members also express their appreciation to the Region and the State of Texas for their participation in the review process. We encourage Region 6 management and staff to work with their Regional NRRB representative and the Region 2/6 Accelerated Response Center at Headquarters to discuss 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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