From: Riley, Norm
To: [redacted] Hirsch
Subject: CONFIDENTIAL: SB 990 PROPOSALS
Date: Thursday, February 5, 2009 4:15:29 PM

DAN,

I WOULD LIKE YOUR FEEDBACK ON THE FOLLOWING, BUT PLEASE DO NOT CIRCULATE THIS TO ANYONE OR MENTION IN ANY CONVERSATION WITH ANYONE THAT YOU HAVE KNOWLEDGE OF THESE PROPOSALS. THESE ARE THE SPECIFICS BEING PROPOSED BY RPS WITH RESPECT TO SB 990 COMPLIANCE. DTSC HAS NOT REACTED TO THESE PROPOSALS YET. TO THE EXTENT THAT THEY ARE CITING CURRENT AND LEGITIMATE CERCLA GUIDANCE, IT SEEMS THAT IT WOULD BE HARD TO DISALLOW RELIANCE ON THOSE DOCUMENTS EXCEPT WHERE DOING SO WOULD CLEARLY GO AGAINST THE LETTER AND INTENT OF SB 990 BECAUSE, WITH FEW EXCEPTIONS, SB 990 ESSENTIALLY DIRECTS US TO FOLLOW THE CERCLA PROCESS.

Regarding risk range, RPs propose to use U.S. EPA CERCLA Guidance to determine the acceptability of risks and the points of departure. See 40 CFR 300.430(e)(2)(i)(A)(2), incorporated by reference in California Health and Safety Code section 25356.1(d) (incorporating requirements of CERCLA). Under this Guidance, the point of departure for evaluating cancer risks for both chemicals and radionuclides will be 1x10-6, except as provided for below:

(1) Risks Incremental to Background. The estimated chemical and radionuclide cancer risk will be incremental above background. Comparison of chemicals and radionuclides will be performed as described in a revised SRAM that will be subject to public review and comment. Cleanup of chemicals or radionuclides with concentrations below background will not be required. Chemical background will be as published in the SRAM Workplan Rev 2, or as modified by the chemical background study. The radionuclide background dataset that will be used in the performance of risk assessments pursuant to the new SRAM will consist of the data from the EPA Area IV radionuclide background study.

(2) Detection Limits. For many radionuclides of concern, it is not feasible to achieve low detection levels equivalent to or less than the U.S. EPA agricultural PRGs referenced in Health and Safety Code 25359.20. Therefore, "extended detection levels" specified in Attachment C of EPA's "Draft Scoping Document for Development of Radiation Survey of a Background Reference Area and Area IV/Buffer Zone" shall be used. Similarly, the currently acceptable detection limits for chemicals being used for the previous RFIs submitted during 2008 will be acceptable for RI/FS requirements.

Reasonable Maximum Exposure (RME). RME calculations, following procedures in the SRAM Workplan Rev. 2 and/or the new SRAM, will be consistent with existing U.S. EPA CERCLA guidance (e.g., EPA/540/1-89/002, "Risk Assessment Guidance for Superfund, Volume 1, Human Health Evaluation Manual (Part A) (December 1989) ("EPA RAGS")).

Area Averaging. Risk assessments performed will be based on area–averaged data for both radionuclides and chemicals. Exposure point concentrations to chemicals and radionuclides will be based on an estimate of area-averaged concentrations, consistent with existing USEPA and DTSC guidance (e.g., EPA RAGS; EPA Publication 9285.7-08, "Supplemental Guidance to RAGS: Calculating the Concentration Term"; OSWER 9285.6-10, "Calculating Upper Confidence Limits for Exposure Concentrations at Hazardous Waste Sites"; EPA 93555.0-01, "Guidance on Surface Soil Cleanup at Hazardous Waste Sites", EPA/600/R-07/038; "Pro UCL Version 4.00.02 User Guide"; DTSC, 1992 "Supplemental Guidance for Human Health Multi-Media Risk Assessments of Hazardous Waste Sites and Permitted Facilities").

Exposure Pathways and Parameters. Exposure parameters for both chemicals and radionuclides will be used in the development of the suburban and rural residential exposure scenarios consistent with the EPA/540/1-89/002, "Risk

Assessment Guidance for Superfund, Volume 1, Human Health Evaluation Manual (Part A) (December 1989) ("EPA RAGS"). To calculate risk for surface receptors from direct exposure (excluding groundwater exposures), depths no greater than the top two feet from ground surface will be considered.

The use of groundwater from beneath the SSFL will be considered an incomplete exposure pathway as groundwater use will be restricted through administrative controls, e.g., recordation of a land use covenant on the use of the groundwater underlying the facility for purposes including, but not limited to, domestic, residential and agricultural uses such as drinking, bathing, showering, food preparation, plant irrigation, and cleaning. An appropriate remedy to address groundwater contamination will be chosen by DTSC. Potential indirect exposures to volatile organic compounds in groundwater through vapor migration will be considered a potentially complete pathway included as appropriate.