

FINAL DECISION AND RESPONSE TO COMMENTS

Rhone-Poulenc East Marginal Way Facility
East Parcel
WAD 00928 2302

December 20, 2006

Introduction

On November 14, 2006, the U.S. Environmental Protection Agency, Region 10 (EPA) issued a Statement of Basis for Remedy Selection and Corrective Action Complete without Controls Determination for the East Parcel of the Former Rhone-Poulenc Facility. The Statement of Basis was issued pursuant to Administrative Order on Consent 1091-11-20-3008(h) (Order) under the Resource Conservation and Recovery Act (RCRA). The Statement of Basis discussed proposed decisions regarding appropriate media cleanup standards, final corrective measures, and a determination that no further cleanup actions were needed throughout most of the East Parcel. A public comment period was held from November 15 to December 15, 2006.

The purpose of the Response to Comments is to identify EPA's final decision, present concerns and issues raised during the public comment period, and provide responses. All of the comments received were carefully reviewed during the final selection of the remedy, and have been addressed in this Response to Comments. No additional alternatives were raised that were not considered in the Corrective Measures Study, and the proposed remedy was not altered as a result of public comments.

Selected Media Cleanup Standards

EPA is selecting the unrestricted use cleanup levels proposed in the Statement of Basis as the selected media cleanup standards for the East Parcel of the Former Rhone-Poulenc Facility. The final media cleanup standards are set forth below:

TABLE 1: Soil Cleanup Levels for Unrestricted Land Use

CONSTITUENT	CLEANUP STANDARD mg/kg
Arsenic	20
Benzo(a)Pyrene (and other cPAHs)	0.1
Copper	36.4
Mercury (inorganic)	2
Total PCBs	1
Toluene	0.8

Note: mg/kg = milligrams per kilogram

TABLE 2: Ground Water Cleanup Level for Unrestricted Land Use

CONSTITUENT	CLEANUP STANDARD mg/L
Toluene	1.0

Note: mg/L = milligram per liter

Selected Corrective Measure

EPA is selecting source area excavation and removal as the final corrective measure for the East Parcel of the Former Rhone-Poulenc Facility. The selected corrective measure includes the following elements:

- Removal of existing railroad tracks and ties for proper off-site disposal;
- Excavation of approximately 4,200 cubic yards of copper-impacted soil and placement of soil on the West Parcel within the area enclosed by the barrier wall;
- Excavation of approximately 600 cubic yards of soil impacted by toluene and PCBs for disposal at an off-site, permitted landfill;
- Confirmation soil sampling of all excavated areas;
- Grading of the East Parcel with existing, on-site material to promote drainage to the south;
- Natural attenuation of the remaining toluene-impacted ground water.

EPA is also requiring a contingent ground water remedy, as confirmation sampling has not yet demonstrated that toluene in ground water is below the final cleanup level. Specifically, within six months of issuance of today's final remedy selection, Respondents must submit either a demonstration that the concentration of toluene in ground water is below the final ground water cleanup level (1.0 mg/L), or a Corrective Measures Implementation Work Plan (as required by Paragraph 6.24 of the Order) for additional corrective measures for ground water, such as biosparging, bioventing, or ground water pump and treat.

All of the proposed remedies initially screened in the Corrective Measures Study, with the exception of the "no action" alternative, would provide adequate protection of human health and the environment by eliminating, reducing, or controlling risk through treatment, engineering controls, or institutional controls. However, the selected remedy will eliminate the risk posed to human health and the environment by removing all contamination to the unrestricted use cleanup standards. This remedy achieves this risk reduction more quickly than any of the other proposed remedies. The selected remedy provides the best balance among the alternatives with respect to the evaluation criteria, including:

- Long-term reliability and effectiveness;
- Reduction of toxicity, mobility, or volume of waste;
- Short-term effectiveness;
- Implementability; and
- Cost.

Determination of "Corrective Action Complete without Controls"

EPA is issuing a determination of "Corrective Action Complete without Controls" for all portions of the East Parcel except for the southwest corner of the Former Maintenance Building Area. The portion of the East Parcel which is excluded from this determination is shown on Figure 1.

A "Corrective Action Complete without Controls" determination means that EPA, under RCRA authority, has determined that human health and ecological risks have been appropriately addressed and that corrective action activities are no longer necessary at this site. This determination confirms that the property is considered suitable for any future use, and may be redeveloped and/or transferred without restrictions.

Public Participation Activities

A public comment period was held from November 15 through December 15, 2006. A public meeting was not requested. Comments were received from the Duwamish River Cleanup Coalition (DRCC). The comments received are presented below.

Public Comments and EPA's Response

Comment:

DRCC does not object to the designation of "Corrective Action Complete without Controls" for the majority of the East Parcel, as it appears that this parcel does not currently pose a significant threat to human health or wildlife associated with the Duwamish River. DRCC is concerned about the possible exception of toluene in ground water in the southwestern corner of the East Parcel, and supports EPA's proposal to require a contingent remedy to address any residual toluene in ground water, if source removal does not prove to be an effective groundwater remedy within six months.

Response:

EPA has included the proposed contingent ground water remedy in the final remedy selection for the East Parcel, as recommended by the commenter.

Future Actions

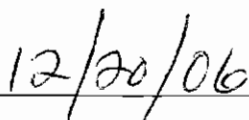
If Respondents are required to implement a contingent remedy, information will be provided to the public through Fact Sheets or by other appropriate means, such as on EPA's web site. If Respondents submit data verifying that the concentration of toluene in ground water is below the final ground water cleanup level, EPA will issue a determination of "Corrective Action Complete without Controls" for the remaining portion of the East Parcel.

Declarations

Based on the administrative record compiled for this corrective action, I have determined that the selected remedy to be ordered at the Rhone-Poulenc East Parcel is appropriate and will be protective of human health and the environment.

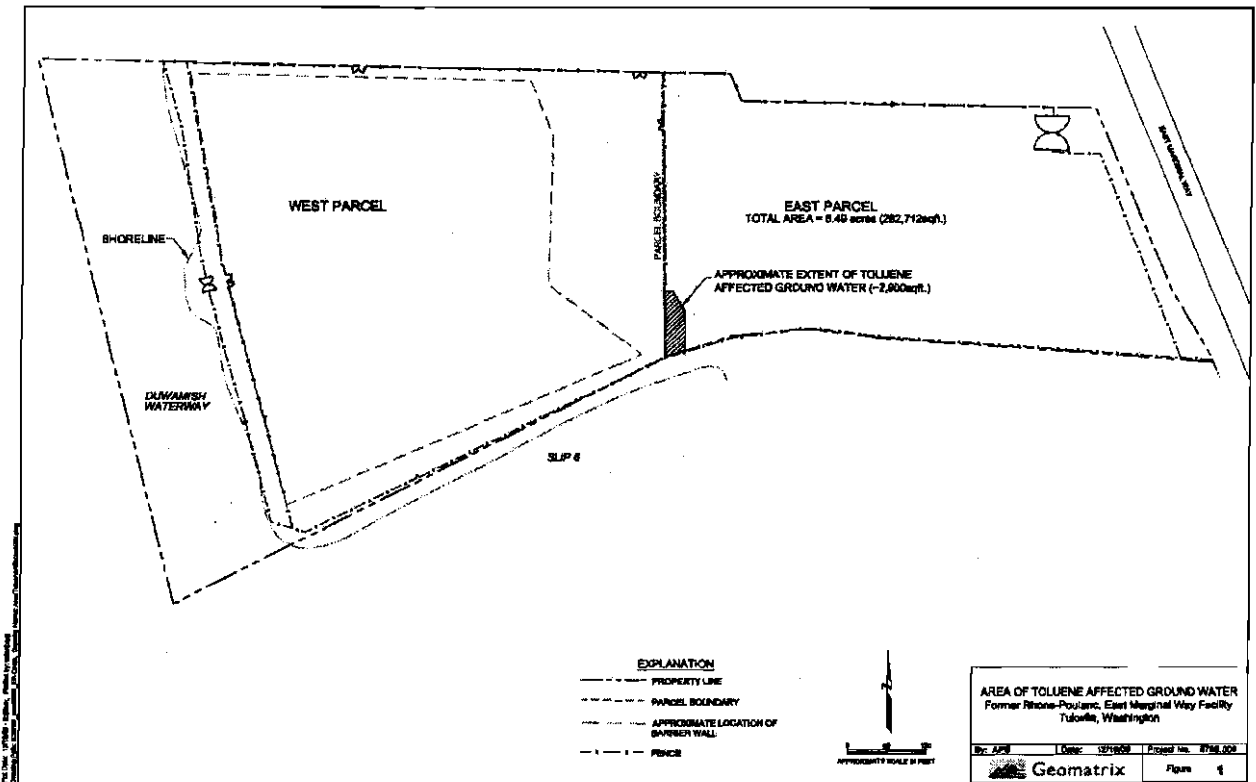


Richard Albright, Director
Office of Air, Waste and Toxics
EPA Region 10



Date

FIGURE 1: Area Excluded from Determination of "Corrective Action Complete without Controls"



Note: The portion of the East Parcel which is excluded from this Determination of "Corrective Action Complete without Controls" is the area designated as "Approximate Extent of Toluene Affected Ground Water" on this Figure.