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United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 217
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

March 1, 1994

Ms. Melissa Whitington
VA/WA Section (3HW41)
Superfund General Remedial Branch
U.S. Environmental Protection Agency
841 Chestnut Street
Philadelphia, PA 19107

Dear Ms. Whitington:

This is in further regard to the EPA's selection of the preferred alternative for remediation of the Buckingham County Landfill Site (Site), Buckingham County, Virginia.

My letter to you of January 3, 1994 identified the Department of the Interior's (Department) preference for alternative 8a of the Proposed Remedial Action Plan (PRAP) and provided reasons why we believed this alternative to be more protective of our trust resources than alternative 8c in the Addendum to the PRAP. The only response that I received from the EPA concerning my letter was a verbal request for a specific trust resource-related explanation given to Mike Chezik of our staff from Francis Burns and Laura Jansen at the February 10, 1994 ROD meeting. After consulting further with our Fish and Wildlife Service, I am now responding to the EPA request.

One of the primary differences between Alternative 8a and Alternative 8c is remediation of ground water: Alternative 8a proposes pumping and treating the ground water, whereas Alternative 8c proposes long-term monitoring of ground water with eventual treatment if certain (yet unspecified) triggers are reached. As stated in my January letter, the Department supports ground water treatment to eliminate exposure and reduce injury to trust resources.

There are several nontidal wetlands downgradient of the Site that we suspect are receiving contaminated ground-water discharge from the Site. A variety of migratory birds, a trust resource, utilize the wetlands for food, nesting, and cover. The migratory birds could be exposed to elevated levels of Site contaminants through direct contact with the water or indirectly through the food chain. The Ecological Assessment did not adequately measure the risk to migratory birds exposed to the Site contaminants.

Unfiltered ground water samples contained concentrations of contaminants exceeding Ambient Water Quality Criteria for the protection of aquatic life. Given the close proximity of the wetlands to the source of contamination, the contaminated ground water would receive only moderate filtration before discharging into the wetlands. Although available evidence is not conclusive, we believe the only effective way of removing the threat to the wetlands and the Department's trust resources is ground-water treatment. If long term monitoring is implemented in place of treatment, the contaminant plume will continue to migrate, threatening more wetlands and requiring a more extensive treatment program.

Costs associated with continued sampling and agency review of sampling results are expected to become increasingly expensive. Additionally, without treatment, the Department may pursue a higher damage claim for the more extensive injuries to trust resources that we suspect will result from the continued discharge of contaminated ground water to migratory bird habitats. We believe there is greater monetary risk to the Potentially Responsible Parties (PRPs) in opting for the "wait and see" approach envisioned in Alternative 8c as opposed to active remediation in Alternative 8a.

In regard to excavating the waste material in the Eastern Disposal Trench (Alternative 8a) versus in situ vapor extraction (ISVE) (Alternative 8c), the Department believes excavation provides greater protection of trust resources than ISVE. ISVE is an innovative alternative, but in this situation, excavation can be implemented more rapidly and has a higher probability for successfully remediating Site contamination.

The waste material in the Eastern Disposal Trench is contributing to ground water contamination, which we suspect is adversely impacting trust resources. The length of time to complete the ISVE treatment, combined with the potential for failure, increases the likelihood of additional contaminant migration into the ground water and subsequent impact to trust resources. Additionally, the longer a remedy takes to implement, the greater the disturbance and time to resource recovery. These factors contribute to an increased damage claim for injuries to trust resources. This potential liability combined with the possibility that the ISVE treatment will fail, requiring excavation costs anyway, create a higher monetary risk for the PRPs.

Alternative 8a includes excavation and off-site disposal of drums from the barrel trench. Alternative 8c involves additional sampling of the barrel trench to determine the need for excavation. We believe that sufficient evidence has been presented to warrant removal of drums and contaminated material

from the trench. The PRAP indicated the barrel trench may contain full, intact drums. The additional sampling suggested would not identify the existence of the drums or their contents. Allowing the drums to remain in place presents an unnecessary threat to human health and Departmental trust resources through the potential for future leakage and subsequent ground water and soil contamination. Any future potential for contamination to ground water or surface soils would be subject to a re-opener and additional damage claim for natural resource injuries.

We strongly recommend that the EPA reconsider the choice of the preferred remedy. In our opinion, Alternative 8a provides greater protection for our trust resources and is likely to result in a lesser damage claim for the PRPs than Alternative 8c.

Thank you for the opportunity to comment further on this matter.

Sincerely,

Don Henne

Don Henne
Regional Environmental Officer

cc:
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