

**EPA Superfund
Explanation of Significant Differences:**

**PACIFIC HIDE & FUR RECYCLING CO.
EPA ID: IDD098812878
OU 01
POCATELLO, ID
09/26/1990**

EXPLANATION OF SIGNIFICANT DIFFERENCES

INTRODUCTION

Site Name and Location:

**MCCARTY'S/PACIFIC HIDE AND FUR
POCATELLO, IDAHO**

Lead and Support Agencies:

**ENVIRONMENTAL PROTECTION AGENCY
IDAHO DEPARTMENT OF HEALTH AND WELFARE**

Citation Requiring Explanation of Significant Differences:

CERCLA § 117(c)

On June 28, 1988, the Record of Decision (ROD) presenting the U.S. Environmental Protection Agency's (EPA) selected remedial action for the site, with concurrence from the Idaho Department of Health and Welfare (IDHW), was signed. A provision was made in the ROD for the implementation of an alternative remedy should the preferred remedy, fixation/consolidation, be found impracticable through a treatability study. The treatability study was designed to test the ability of soils collected at the site to meet fixation formulation criteria. The test results indicated that not all of the performance criteria were met, casting doubt on the efficacy of the preferred remedy.

Due to the treatability test results, EPA, in a letter dated January 24, 1990, to Idaho Power Company (IPCo), indicated a change from the preferred remedy to the alternate remedy allowing IPCo to direct its contractors to design for and undertake on-site containment in lieu of fixation/consolidation to control on-site contamination.

Upon review of the ROD design description for on-site containment, EPA concluded it would be need to be revised in its portrayal of an on-site containment remedy in order to meet applicable or relevant and appropriate requirements (ARARs). At a minimum, the requirements of 42 U.S.C. § 9621(d)- CERCLA-, 40 CFR § 761.75- TSCA-, and 40 CFR § 264.310- RCRA- need to be met. Waivers from these requirements requested by IPCo will be considered by EPA. This Explanation of Significant Differences (ESD) documents the revisions necessary to the ROD remedy description in order to meet ARARs.

The ESD will become part of the Administrative Record (the Record) for the McCarty's/Pacific Hide and Fur Superfund site in Pocatello, Idaho. The Record is available to the public and is located at the following repositories:

Pocatello Public Library
812 East Clark Street
Pocatello, Idaho 83201

U.S. Environmental Protection Agency
1200 6th Avenue, 10th Floor Library
Seattle, Washington 98101

The ESD is divided into seven sections: (1) an introduction, (2) a discussion of the site's history and contamination problems, (3) the description of the alternative remedy as it appears in the ROD, (4) the description of the significant differences between the ROD remedy description and ARARs and the basis for those differences, (5) comments on the ESD from the support agency (IDHW), (6) an affirmation of the alternative remedy's ability to meet the statutory requirements as described in the ESD and, (7) public participation activities.

SITE HISTORY AND CONTAMINATION PROBLEMS

The site was previously used by a gravel mining operation as early as 1949. The site was purchased by McCarty's, Inc., in approximately 1958, which operated a scrap metal business there until August 1979. McCarty's, Inc., purchased scrap metal from various sources. The scrap was stored until it was cut up. It was then sold and transported to various steel mills or stored in the pit awaiting resale, salvage or reuse.

In the course of these operations, transformers were purchased and scrapped at this site. The majority of the transformers were empty of fluids when received. The processing of the transformers consisted of salvaging the copper wire and scrapping the casing. Any fluids that the transformers may have contained were apparently drained on the bank of the pit in the general area of the southwest corner.

Some capacitors, filled with polychlorinated biphenyls (PCBs), were received in association with the purchase of the transformers. Having no salvage value, the capacitors were discarded in the pit. Records regarding the site indicate that capacitors containing PCB oils were received between 1970 and 1973, but give no indication that PCB oil-filled transformers were received at the site.

In August 1979, the McCarty's, Inc., scrap metal business was sold to Pacific Hide and Fur, Inc. Included in this transaction was sale of the land and buildings comprising the headquarters west of the site. However, title to the site was retained by the McCarty's, Inc. As part of the purchase agreement, Pacific Hide and Fur, Inc., acquired the rights to salvage any ferrous metals in the pit for a period of four years. Over the course of these salvage operations, materials may have been moved around in the pit. According to Pacific Hide and Fur, Inc.'s records, some of the scrap metals purchased did not contain PCB oils. According to those same records, some of the transformers did contain fluid which, in one case, was drained into drums in a shed behind the office building. In the other instance, the fluid was drained onto the ground in the pit.

In January 1983, EPA and IDHW began investigating the site to determine if disposal of PCB oils was occurring on the property and if contamination of the soils and groundwater on- or off-site had occurred due to operations at the facility.

Based on groundwater samples obtained from vicinity wells, on-site PCB soil contamination data, as well as general site conditions, EPA declared the site to be an immediate threat to public health and welfare. EPA undertook an Emergency Removal in March 1983 to mitigate the immediate threat. There were 593 PCB capacitors that were removed from the site and transported to a disposal facility approved for incineration. Thirty cubic yards of contaminated soil was excavated and disposed of off-site in an approved disposal facility for incineration.

The Emergency Removal also included construction of 11 groundwater monitoring wells and the collection and analysis of groundwater and soil samples. A security fence was constructed around the site to restrict access. The Emergency Removal was followed by the listing of the site on the National Priority List on September 21, 1984.

A criminal action was started in 1983 against Pacific Hide and Fur, Inc., and the plant manager for deliberate release of PCBs into the environment. Criminal convictions were entered in June 1984 but were overturned in 1985.

The McCarty's, Pacific Hide and Fur, Inc., and IPCo have either previously owned the land at the site, currently own or operate the facility, or owned the capacitors and transformers which were discarded at the site. At this time, these companies are considered the only Potentially Responsible Parties (PRPs).

With guidance and oversight by EPA and IDHW, the PRPs have undertaken and completed a Remedial Investigation (RI), Risk Assessment, and Feasibility Study (FS) for the site. EPA and IDHW accepted the PRP RI, FS and Risk Assessment reports as sufficient to provide enough information to make a clean-up decision. However, EPA and IDHW evaluations and conclusions about the risks imposed by the site and the relative merits of the remedial alternatives differed from those of the PRPs. Consequently, revisions to portions of the PRP documents were required to reflect EPA and IDHW positions.

The Record of Decision (ROD) for McCarty's/Pacific Hide and Fur was signed on June 28, 1988. The ROD called for a pilot study to determine the feasibility of processing the onsite contaminated silt, scrap and fill material. If feasible, all material that could be processed was to be mixed with the appropriate fixing agent and water to form a slurry, then allowed to solidify. Construction of a bottom clay liner, where necessary, was also part of the selected remedy along with consolidation and placement of any non-fixated material, capping of the entire containment cell, construction of additional groundwater monitoring well(s), abandonment of unusable wells and long-term operation and maintenance. This remedy was to be implemented unless it was determined to be impracticable based on the results of a treatability study.

Special notice letters were sent to all PRPs in July 1988, for negotiations on a PRP-lead Remedial Design/Remedial Action (RD/RA). Negotiations were held with the PRPs during the required moratorium. During the moratorium period, EPA entered into an inter-agency agreement with the Corps of Engineers (Corps) for a treatability study and possible implementation of the remedial design. This approach was necessary at the time due to the perceived reluctance of the PRPs to implement the remedy selected for the site. In July 1988, the Corps was given the notice to proceed with Phase I of the soil treatability study based on the understanding that their continued involvement in remedial design would be terminated if negotiations with the PRPs were successful.

In September 1988, formal responses to the special notice letters were received from the PRPs, but were determined by the EPA to not be of a good faith nature. EPA's contact with the PRPs continued as there appeared to be some remaining interest expressed by one of the PRPs.

A second invitation for negotiations was submitted to the PRPs in January 1989. IPCo was the only party willing to seriously negotiate. An agreement in principle was reached in which IPCo agreed to: (1) complete RD; (2) implement RA; (3) reimburse EPA for a portion of all past costs incurred, and (4) fund three years of operation and maintenance.

During the Fall 1989, IPCo initiated remedial action at the site. Material processing, scrap decontamination, well installation necessary to meet ground water monitoring requirements, and abandonment of some existing, but no longer needed, monitoring wells was conducted. Air monitoring was performed to ensure the effectiveness of dust suppressants used during the remedial action and to comply with ARARs.

The soil treatability study conducted by the Corps was completed in December 1989 and the final report distributed in January 1990. The treatability study report indicated that not all of the fixation formulation criteria were met, thus casting doubt on the efficacy of the treatment in comparison to the non-treatment alternative, on-site containment. For example, the "mix of record" failed to meet EPA's suggested criteria which required leachate to contain less than 3 parts per billion PCBs and have a leachate PCB concentration reduction of at least 90 percent using an acetone extraction fluid. Additionally, there appeared a strong likelihood that the stabilization remedy could not be designed and implemented during FY90 due to time and meteorological constraints, further causing potential delays in the remedial process.

After considerable deliberation, EPA with IDHW concurrence, allowed IPCo to direct its contractors to proceed with design and implementation of an on-site containment remedy at McCarty's/Pacific Hide and Fur. This decision was formalized in a letter to IPCo dated January 24, 1990 and made public in a fact sheet published January 26, 1990. Both the letter and fact sheet, once publicized, became part of the Administrative Record. The public was given the opportunity to request an informational meeting to discuss the alternative clean-up remedy discussed in the letter and fact sheet. No requests were received.

By April 1990, EPA determined that insufficient time existed for the PRP's contractors to complete RD/RA activities before winter set in even though the on-site containment remedy had replaced stabilization and assurances had been provided by the PRP that clean-up would take place during 1990. Since May 1990, the PRP contractors have been working closely with EPA on design issues. An extension to the workplan was approved in June 1990. The draft 95% design documents were distributed on August 14, 1990. According to the workplan schedule, acceptable documents must be received by EPA no later than September 30, 1990. Phase II remediation is set to commence in mid-March/early April 1991 and be completed by September 30, 1991.

Additional soil and groundwater sampling to characterize the presence or absence of other non-PCB contaminants is being conducted at the site by EPA and its contractors. A fact sheet explaining this work was distributed to the public in July 1990.

ALTERNATIVE REMEDY AS DESCRIBED IN THE ROD

The text that follows is the actual description of the on-site containment remedy as it appears in the ROD.

"ON-SITE CONTAINMENT

If the fixation technology is found to be impracticable, on-site containment will be implemented as the final Remedial Action for this site.

Liner Construction

The on-site containment facility would be constructed over the south sidewall of the pit. All contaminated intermixed soil and scrap, as well as additional excavated soils, would be consolidated in this area. Low permeable clay would be placed underneath any areas where contaminated materials would be placed where insufficient clay fill is present.

Excavation and Cap Construction

No excavation of intermixed soil and scrap would be required along the south sidewall of the pit due to the fact that the cap would be constructed over this area. All intermixed soil and scrap contaminated areas outside the pit, on the bottom of the pit, and in the north pit sidewall would be excavated and placed on the clay liner.

The contaminated soils requiring consolidation only outside the pit, near the office, and in the bottom of the pit will be excavated and consolidated as outlined in the fixation/containment description. Dust control measures for these areas will also be undertaken as described in the fixation/containment section.

The intermixed soil and scrap and excavated soils will then be placed on the clay liner in relatively horizontal lifts, 12-18 inches thick and compacted. Adequate compactive effort would be required to minimize settlement within this material and subsequent shifting of the low permeability cap to be placed over this material. A graded filter of clayey sand will be placed on the top and exposed side of the facility followed by a 1-foot thick drainage layer and topsoil. A soil cover outside the cap area will be placed in all areas excavated as outlined in the fixation/containment description.

Upon completion of the cap, the site would be restored to final contours that minimize erosion and control surface water runoff. Seeding or other remedies will be implemented to reduce erosion. Abandonment of unneeded existing wells will be undertaken as described in the fixation/containment alternative.

Operation and Maintenance

Operation and maintenance will be the same as that outlined in the fixation/containment alternative with the exception of ground water monitoring. Onsite containment will require semiannual ground water monitoring whereas fixation/containment may have annual ground water monitoring."

DESCRIPTION OF SIGNIFICANT DIFFERENCES AND THE BASIS FOR THOSE DIFFERENCES

The description of the on-site containment remedy begins on page 21 of the ROD and ends on page 23. This ESD clarifies, by section, the design changes necessary to ensure that the on-site containment remedy implemented at the McCarty's/Pacific Hide and Fur site is in accordance with federal and state requirements.

Liner Construction (page 21)

The ROD currently states that the on-site containment facility will be located over the south sidewall of the pit. Based on discrepancies between the current ROD design description, the 40 CFR § 761.75-TSCA chemical waste landfill liner requirements and the requisite excavation of contaminated soil and debris in that area, EPA has deemed this area as an unacceptable site location for the containment cell. EPA's primary concerns in selecting an area for construction of the containment facility are: (1) to design and implement a remedy which is technically feasible, meets ARARs and can be completed in a timely manner and, (2) to limit, as much as possible, public and environmental exposure to site contamination during construction of the cell.

Although the ROD states that "[l]ow permeable(sic) clay would be placed underneath any areas where contaminated materials would be placed where insufficient clay fill is present", there is currently insufficient site data to determine whether native clay and silt material can meet the permeability parameter specified in 40 CFR § 761.75(b)(1)(ii) anywhere on-site. Therefore, the on-site containment remedial design must include, at a minimum, a composite liner consisting of a flexible membrane liner (FML) upper component and a low permeability compacted clay lower component of 3-foot thickness to comply with 40 CFR §761.75(b)(1) and (2).

Leachate Collection

EPA is also requiring that a leachate collection system meeting the requirements specified in 40 CFR § 761.75(7) be installed at the site to ensure the long-term effectiveness of the remedy. This system could consist of a gravity flow drainfield installed above the waste disposal facility liner.

Figure 6 (page 22)

Figure 6 on page 22 of the ROD is the pictorial representation of the selected remedy not its alternate. On page 21 in the first paragraph, the ROD states that Figure 6 shows a cross section of the treated material, consolidated material, liner, and cap. This figure was not intended nor should it be used now to show in detail, the cross sectional characteristics of the on-site containment remedy.

Excavation and Cap Construction (page 23)

In this section of the ROD, the onsite containment remedy description is inconsistent with federal requirements with respect to the placement of contaminated materials including silt and scrap in a containment cell.

As previously mentioned, the entire containment cell must be lined to meet 40 CFR § 761.75-TSCA chemical waste landfill liner requirements. To ensure compliance with this requirement, all intermixed silt and scrap within the pit, including that material excavated along the south sidewall of the pit will be placed in the lined, containment cell. A leachate collection system will be installed per 40 CFR § 761.75(7).

A low permeability cap meeting RCRA requirements identified in 40 CFR § 264.310 will be placed over the entire containment cell area. Specifically, this cap must consist of a minimum of three (3) feet of soil material (including the thickness of the drainage layer) placed over a low permeability, geomembrane-type component. This description more accurately states the specific RCRA cap requirements for landfills than the description currently provided in the ROD.

In reference to the third paragraph on page 23, the manner of placement of the intermixed silt and scrap and excavated material in the containment cell is not substantively different than the description provided in the ROD. Design requirements will dictate the thickness of the "lifts", the amount of compactive effort required to minimize settlement within the material and subsequent shifting of the low permeability cap, etc.

As presently described in the ROD, once construction of the cap has been completed, the site will be restored to final contours that minimize erosion and control surface water runoff as required in 40 CFR § 264.310. Remedies such as seeding and establishing ground cover will be implemented to reduce erosion.

New wells will be installed where deemed necessary and abandonment of unneeded existing wells will be undertaken.

Operation and Maintenance

Initially, onsite containment will require quarterly inspections of the leachate collection system to ensure compliance with the established maintenance and monitoring requirements. Annual groundwater monitoring will be required (subject to modification following a review of the baseline data), including inspection and maintenance of all monitoring wells.

SUPPORT AGENCY COMMENTS

Comments on this ESD were received from IDHW in a letter dated September 12, 1990. There were a total of five issues, each of which has been addressed in the text of the ESD. Specifically, IDHW requested:

(1) clarification of the entities identified in the TSCA administrative action settlement,

(2) a more accurate discussion of the proposed contents of the solidified material should the pilot study prove feasible recognizing the objective of the remedy was to ensure treatment, to the maximum extent practicable, regardless of PCB concentration,

(3) additional discussion in the text regarding IPCo remedial activities undertaken at the site during Fall 1989,

(4) clarification in the text pertaining to the decision made by EPA, with concurrence from IDHW, in January 1990 to allow IPCo to direct its contractors to proceed with design and implementation of an on-site containment remedy in lieu of fixation/consolidation at the site,

(5) more specific mention of the results from the pilot study regarding the leachability of lead in soil, and

(6) an extension to, or deletion of, the public comment period referenced in the fact sheet accompanying this document.

AFFIRMATION OF THE STATUTORY REQUIREMENTS

EPA and IDHW believe that the modifications to the alternative on-site containment remedy described in this ESD are protective of human health and the environment, comply with Federal and State requirements that are applicable or relevant and appropriate to this remedial action, and is cost-effective. In addition, the alternate remedy utilizes permanent solutions to the maximum extent practicable for this site.

PUBLIC PARTICIPATION ACTIVITIES

This ESD will become part of the Administrative Record after review of comments received from the public. Those citizens requesting additional information regarding this ESD should contact:

Ann Williamson
Remedial Project Manager
1200 6th Avenue, HW-113
Seattle, Washington 98101
(206) 442-2739



Reply To
Attn Of: HW-113

SEP 26 1990

Douglas H. Jackson
Idaho Power Company
Box 70
Boise, Idaho 83707

Dear Mr. Jackson:

I am writing to inform you of the Environmental Protection Agency's (EPA) decision, supported by the State of Idaho Department of Health and Welfare (IDHW), to revise the Record of Decision (ROD) remedy description for on-site containment at the McCarty's/Pacific Hide and Fur Superfund site in Pocatello, Idaho. Upon review of the ROD, EPA concluded it was necessary to revise the design description for the on-site containment remedy in order to meet applicable or relevant and appropriate requirements (ARARs).

As background information, on June 28, 1988, the Regional Administrator signed the ROD for the McCarty's/Pacific Hide and Fur site. The ROD presented EPA's selected remedial action which was source control of on-site contamination through excavation of contaminated soils and fixation of the soils in a solidified matrix. However, after reviewing the results of a pilot scale treatability study, the fixation/consolidation remedy did not prove to perform significantly better as a remedy when compared to on-site containment. In a letter dated January 24, 1990, EPA stated that Idaho Power Company (IPCo) would be allowed to direct its contractors to design and undertake on-site containment in lieu of fixation/consolidation as the remedy for controlling on-site contamination.

Your predecessor, Larry R. Gunnoe, indicated that IPCo would direct its technical consultants, Landau Associates, Inc., to begin immediate preparation of design for the on-site containment remedy shortly following receipt of our letter. On February 1, 1990, EPA met with IPCo and Landau Associates, Inc., to discuss the on-site containment remedy. At that time, we indicated that the ROD description of the on-site containment remedy would be revised to comply with ARARs. We indicated that an Explanation of Significant Differences (ESD) document would be prepared to clarify the ROD (see enclosure)

Since that time, EPA, IPCo and Landau Associates, Inc., have been working in good faith to ensure that the design under preparation would be consistent with the ESD.

-2-

If you should have any questions or concerns regarding the ESD, please contact Ann Williamson, Remedial Project Manager, at (206) 442-2739. We look forward to your submittal of the final design documents by September 28, 1990.

Sincerely,

A handwritten signature in cursive script that reads "Charles E. Findley".

Charles E. Findley
Director, Hazardous Waste Division

Enclosure

cc: Dean Nygard, IDHW
Paul Agid, Landau Associates, Inc.