

From: Ellie Townsend-Hough
To: Kevin Le
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Subject: Fwd: Re: BP Refinery

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>>> Paul Cho <PCHO@waterboards.ca.gov> 4/14/2010 2:38 PM >>>
Hi Ellie,

Sorry for the late response due to the webinar presentation.
Here's summary for today's call (I may quote a wrong section from CWC per my recollection. Please check with your legal.)

California Water Code Section 13260 talks about requirements for "Waste Discharge Requirements" when discharging waste or proposing to discharge waste. Contaminated soils are considered as "waste" per CWC Section 13050. We issued two orders per Section 13267 and Section 13304 for investigation soils and groundwater and their cleanup. If contaminated soils are to be disposed at landfills, it will be under California Code of Regulations, Title 27, unless they take it to a soil treatment facility with "Waste Discharge Requirements" from us.

I think the key thing is applicant should demonstrate how to manage the contaminated soil in order not to violate the requirements and any human health risk associated before its excavation. Often, refineries develop their own 'soil management plan' in order to address risks associated with excavation. If applicant cannot provide a valid soil management plan, I would agree a preparation of assessment work to assess risks. However, if applicant would excavate, dispose all current soils and fill with clean materials, I would say that approach would be acceptable as long as human health risk is cleared.

Paul Cho, P.G.