

May 20, 2009

Jerry Cobb
Panhandle Health District
114 West Riverside Avenue
Kellogg, Idaho 83837-2351

Dan Redline – Regional Administrator
Idaho Department of Environmental Quality
Coeur d' Alene Regional Office
2110 Ironwood Parkway
Coeur d' Alene, Idaho 83814

RE: Requirements for Disposal of Petroleum Contaminated ICP Wastes in the Page Repository.

Gentlemen;

After a considerable collaborative effort between Idaho Department of Environmental Quality's (IDEQ) Waste Management and Remediation staff in the Coeur d' Alene Regional Office (CRO) and State Office Mine Waste Program. IDEQ has a waste management strategy for petroleum contaminated soils (PCS) generated from within the bounds of the Bunker Hill Superfund Institutional Controls Program (ICP) administered by the Panhandle Health District. This strategy is for soils that have mining and smelting waste contamination associated with the Bunker Hill Superfund Site and petroleum contamination. In order for generators to use the Page Repository to treat and dispose of these wastes, they must be consistent with both the ICP and IDEQ's policies for the protection of surface and ground waters.

Attached is Page Repository waste acceptance criteria for PCS. IDEQ is determined that use of the Page for the treatment and disposal of PCS is a privilege not a right. If generators or their contractors are willing to operate under the attached terms and conditions then they have the option of using Page. However, if the terms and conditions are unacceptable, they can use the permitted treatment and disposal facilities outside the ICP.

The process for tracking treatment and disposal of PCS at Page will require some coordination between the CRO and PHD. Essentially CRO may enter into enforceable agreements (Draft VCO attached) with generators for treatment and disposal of PCS. Having done so, the PHD can then and only then issue access cards to Page for the required work and eventual disposal.

Jerry Cobb – PHD
Dan Redline – IDEQ CRO
Petroleum Contaminated ICP Wastes
May 20, 2009
Page 2

Because this activity crosses regulatory boundaries and frameworks, it will only work if we make it happen. If it does not work, the IDEQ will have to enforce the current requirements and make generators ship their wastes to a permitted facility.

I very much appreciate the patience everyone will have to use to get accustomed to this process. If you have any questions or comments, please do not hesitate to contact me at (208) 373-0554.

Regards;

Bruce A. Schuld
Page Project Manager

cc: Orville Green – IDEQ State Office
Rob Hanson – IDEQ State Office
Joe Nagel – IDEQ State Office
Susan Hamlin – IDEQ Attorney General's Office
Andy Mork – IDEQ State Office
Geoff Harvey- IDEQ CdA Office
Mark Stromberg – IDEQ Kellogg Office
Ann McCauley – USEPA Region X Seattle
Ed Moreen – USEPA Region X CdA
Paul Gladder – UMG c/o Hecla Mining Company CdA

File

Waste Acceptance, Treatment and Disposal Requirements for Petroleum contaminated ICP Soils

Idaho Department of Environmental Quality Mine Waste Programs

May 20 2009

Purpose:

Historic mining, milling, and smelting operations have caused trace (heavy) metals and arsenate contamination in the Silver Valley. Wastes from these processes were used in the past as fill in land development and road construction. Historical mining and construction practices resulted in the development and implementation of the Institutional Control Program (ICP) where considerable attention is given to soils that have historically been impacted with metals, particularly lead. Special considerations are required in the Bunker Hill Superfund Site (See attached map) when responding to petrochemical spills or releases.

Treatment and disposal of petroleum contaminated soil subject to the ICP at the Page repository must be consistent with state and federal regulations, including the ICP for the Bunker Hill and Coeur d'Alene Basin CERCLA cleanups. Requirements for use of the Page Repository include administrative, treatment and disposal practices.

The need for the Page Repository as a treatment and disposal site is driven by the fact that petroleum has been and will be released to soils that once excavated, are considered as ICP wastes. These requirements have been developed because of the special cleanup strategies that surround the ICP, and the existence of a formal petroleum cleanup program in DEQ that must be considered as an ARAR. The requirements presented in this document are designed to be applied only to emergency response and small quantity petroleum releases that affect less than 50 cubic yards of soils within the ICP Bunker Hill Superfund Site. The guidance is not flexible in nature. It does, however, supplement the existing Idaho Department of Environmental Quality (IDEQ) information on assessment and remediation of petroleum releases, specifically using the land treatment methodology. In sum, the responsible generator, consultant or contractor wishing to use the Page Repository as a land treatment and disposal site due to the presence of high concentrations of metals that may require additional costs for disposal, must accept and apply the concepts presented in the land treatment information as requirements for use of the repository. Therefore, the responsible generator, consultant or contractor must incorporate these concepts in plans to control, organize, and manage petroleum incident response and corrective actions occurring in the ICP Bunker Hill Superfund Site.

Agency Roles and Responsibilities

Idaho Department of Environmental Quality
Coeur d'Alene Regional Office (CRO)

The CRO provides the State's primary contact for oversight of responses to spills or releases of petrochemicals. All response activities, including approval of spill response plans, sampling plans, analysis reports, corrective action, and notification and financial assurance for disposal or

treatment of petroleum contaminated soils must be coordinated through the CRO. Any generator, consultant or contractor that is responsible for remediating a release and who intends to use the Page Repository for land treatment and disposal of the waste materials must sign a voluntary consent order with CRO specifying roles and responsibilities, including commitments to pay for remedial costs.

Idaho Department of Environmental Quality
State Office – Mining Program (SO)

The SO is collaboratively responsible, with the U.S. Environmental Protection Agency, for implementation of remedial actions under the Bunker Hill and Coeur d'Alene Basin Superfund cleanups, including the development, operation and closure of the ICP repositories at East Mission Flats, Page and Big Creek. The collaborative effort is a function of cooperative agreements made with the U.S. Environmental Protection Agency, Panhandle Health District, and the Upstream Mining Group, and is subject to the mandates and conditions presented in numerous Consent Decrees, Records of Decisions, and Operating Plans for facilities contained within the Superfund Bunker Hill Superfund Site.

Panhandle Health District

The Panhandle Health District (PHD) adopted and administers the ICP, which is a set of rules and regulations designed to ensure the integrity of clean soil and other protective barriers placed over contaminants left throughout the Bunker Hill Superfund site. The ICP also provides education, sampling assistance, clean soils for small projects (less than one cubic yard of material), pickup of soil removed from small projects and a permanent disposal site for contaminated soils generated site-wide. The ICP also regulates and provides assistance with construction and renovation projects on building interiors that involve ceiling and attic work, insulation removal, and work in dirt basements and crawl spaces.

Special Considerations:

Any petroleum contaminated soil that does not characterize as an ICP waste, or cannot be treated to meet the criteria for ICP wastes will not be accepted or disposed at the Page Repository. These rejected wastes must be disposed of in a RCRA Subtitle C or other appropriate facility.

Responsible generators, consultants or contractors unwilling to enter a binding voluntary consent order (example attached) with CRO for proper temporary storage, treatment, sampling, documentation and financial assurance will be denied access to the Page repository, regardless of the waste characterization generated. The alternative disposal site for the mixed petroleum and metals waste is a RCRA Subtitle C or other appropriate facility.

Land Treatment and Disposal Locations

Locations at the Page Repository for land treatment of petroleum contaminated ICP wastes will be specifically designated by the Page Repository Manager. The designated locations and land treatment carried out on them will be physically separated from the repository by an impermeable barrier. The generator, consultant or contractor must locate and manage a

temporary storage area for the period during which PCS and metal analysis is in progress. The land treatment area should be located and constructed according to CRO's and the Page Repository Manager's specifications, and at the generator's expense. After the effectiveness of land treatment has been demonstrated to CRO by meeting the applicable risk based concentrations for petrochemicals, the residual soils may be incorporated into the main body of the ICP repository after consultation with the Page Repository Manager, again at the generator's, consultant's or contractor's expense.

Approved Consultants and Contractors

Land treatment and disposal of Petroleum Contaminated Soils at the Page Repository is a specialty service that will only be permitted to capable contractors. These contractors and consultants must demonstrate to IDEQ a willingness to conduct this activity correctly and diligently. These contractors and or consultants must enter a voluntary consent order, for completion of land treatment activities in a timely manner accepting from their client the legal obligation to treat the excavated soils to levels below state mandated risk values and then dispose of the metals contaminated soils in an approved location within the common ICP repository. These contractors and consultants must also commit, in writing, to bearing all costs for developing temporary storage and treatment areas, waste treatment, sampling, documentation and reporting to CRO, and incorporation of the wastes for final disposal in the repository. In absence of these written commitments, the PHD should not issue a permit for use of the Page ICP Repository.

Unacceptable Contaminated Waste

Should a petroleum release in the Bunker Hill Superfund Site cause contamination of soil or other substrate a special remedial response situation will occur. In this situation, the responsible party must export the material, at their cost, to a RCRA Subtitle C permitted facility. Should hazardous materials be released in the Bunker Hill Superfund Site causing contamination of soil or other substrate, the responsible party must export the material to a RCRA Subtitle C permitted facility.

Disclaimer's

At no time will the IDEQ, PHD, or the South Fork of the Coeur d' Alene River Sewer District, who owns a large portion of the Page ICP Repository warrant the work conducted by the generator, it's consultants or contractors, or release the generator, its consultants or contractors from liability for the wastes or releases from the wastes.

DRAFT

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

In the matter of: _____) CONSENT ORDER
_____) Idaho Code § 39-108

Petroleum Contaminated Soil (PCS)
Land Treatment at the Page Institutional Control
Program Repository Bunker Hill Superfund
Site)

- 1) Pursuant to Idaho Code § 39-108 (Idaho Environmental Protection and Health Act), the Idaho Department of Environmental Quality (Department) enters into this Consent Order with _____.
- 2) _____ (operator) who is the owner and operator of _____ located at _____ assumes the responsibility to land treat PCS at the Page Facility to petroleum constituent concentrations at or below the initial default Risk Evaluation Manual values and following treatment place the resulting metals contaminated soil into the Page Facility as directed.
- 3) If risk values are not attained by the land treatment process, the operator will at their expense remove the resulting CERCLA mixed waste to an appropriate waste facility.
- 4) The operator shall perform the following actions in order to remove petroleum contaminants from soils demonstrated to be co-contaminated with trace (heavy) metals at levels below principle threat materials concentrations.
 - a. Obtain permission from the Page Repository Manager and Coeur d'Alene Regional Office (CRO) in writing to land treat PCS at the Page Repository. Letters of request should justify land treatment in terms of the petroleum and metals concentrations of the PCS proposed to be treated.
 - b. Place all PCS for treatment at the repository at the location(s) designated by the Repository Manager.
 - c. Segregate the PCS to be treated from all other materials in the repository using a barrier system (berms and liner) that will maintain a separation over the estimated two growing seasons of treatment and through the required tilling of the PCS.
 - d. PCS will be treated based on and within the parameters of the attached "Procedures for Land Treatment of Petroleum Contaminated Soils" (Information Series #7 May 2002), or its replacement with diesel treatment using the soil fertility guidelines.

- e. All work undertaken in accordance with this Consent Order shall not deviate from the Department approved "Procedures for Land Treatment of Petroleum Contaminated Soils" (Information Series #7 May 2002), or its replacement without prior notification to and written approval by the Department.
 - f. All decisions and approvals of the land treatment operation including its completion will be made for the Department by the CRO Waste & Remediation staff. All decisions concerning the post land treatment placement of the soil will be made for the Department by the Page Repository Manager.
 - g. After land treatment and proper placement in the repository is completed and reported on in writing to the satisfaction of the Department for any single PCS treatment case, a no further action letter for that case will be issued for the Department by the CRO.
- 5) _____ recognizes that failure to comply with the terms of this Consent Order, including failure to follow the approved "Procedures for Land Treatment of Petroleum Contaminated Soils" in accordance with paragraphs 3.d and e, and _____ in accordance with the direction of the Department managers within paragraphs 3.b, f and g may result in termination of this consent order permitting the land treatment privilege and an order to remove the material to an appropriate waste facility.
 - 6) This Consent Order shall not in any way relieve _____ from any obligation to comply with any provision of the Idaho Water Quality Standards and Wastewater Treatment Requirements or any other applicable local, state, or federal laws.
 - 7) Upon fulfilling the requirements of this Consent Order, _____ may petition the Department in writing for a termination of this Consent Order. This Consent Order shall remain in full force and effect until the Department acknowledges in writing that the Consent Order is terminated and that _____ has fulfilled all requirements of this Consent Order.
 - 8) This Consent Order shall bind _____, _____ successors and assignees until terminated in writing by the Department.
 - 9) The effective date of this Consent Order shall be the date of signature by the Director of the Idaho Division of Environmental Quality.

DATED this ___ day of _____, 20__ .

By:

Toni Hardesty, Director
 Department of Environmental Quality
 Idaho Department of Health and Welfare