



Department of Toxic Substances Control

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Arnold Schwarzenegger
Governor



Terry Tamminen
Agency Secretary
Cal/EPA

June 2, 2004

Mr. Stan Cook
Director of Facilities and Operations
Ford Ord Reuse Authority
100 12th Street, Bldg. 2880
Marina, California 93933

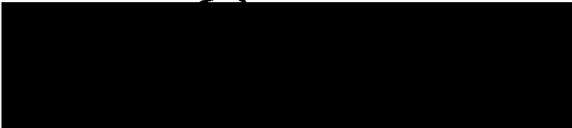
RESPONSE TO COMMENTS ON SPECIAL WASTE DETERMINATION – FORMER FORT ORD, MONTEREY COUNTY, CALIFORNIA.

Dear Mr. Cook:

The Department of Toxic Substances Control (DTSC) would like to thank you for your email of March 25, 2004, commenting on DTSC's proposal to approve an application by the Monterey Regional Waste Management District (MRWMD) on behalf of the Fort Ord Reuse Authority (FORA) to "classify and manage" demolition waste from 573 WWII-era wooden buildings to be demolished at former Fort Ord as "special waste." Your comments were, in essence, a response to comments on the proposed special waste determination submitted to DTSC by Mr. Dale Timmons of ARI Technologies of Kent, Washington. For your information a copy of DTSC's response to Mr. Timmons comments is enclosed. Thank you for your update on technologies to recycle LBP-containing wastes.

Again, DTSC would like to thank you for your comments. If you have any additional comments or questions, please contact Dr. James Frampton of my staff at (916) 327-2522 or by email at jframpto@dtsc.ca.gov.

Sincerely,


Karl Palmer, Chief
Regulatory Program Development Branch

Enclosure

cc: See next page

Mr. Stan Cook
June 2, 2004
Page 2

cc: Mr. Dale M. Timmons, R.G.
President
ARI Technologies, Inc.
1221 2nd Avenue N.
Kent, Washington 98032

Mr. William Merry, P.E., DEE
District Engineer
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1402 Del Monte Boulevard
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Mr. Charles Corcoran, Chief
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Ms. Peggy Harris, P.E., Chief
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Dr. James Frampton, Ph.D.
Waste Identification and Recycling Section
Department of Toxic Substances Control
1001 "I" Street, 11th Floor
P.O. Box 806
Sacramento, California 95812-0806

From: "Stan Cook" <stan@fora.org>
To: "Jim Frampton" <jframpto@dtsc.ca.gov>
Date: 25 Mar 2004 (Thu) 3:42:47 PM
Subject: Response to: Comments on Special Waste Determination, Former Fort Ord, Monterey County, CA

Mr. Frampton,

*100 12th Street
Bldg 2880
Mon Co 93933*

We are aware that DTSC has received a letter from Mr. Timmons with ARI concerning the response to DTSC's proposal to approve an application to manage 573 World War II era wooden buildings located at former Fort Ord pursuant to the web page:
http://www.dtsc.ca.gov/OMF/Fort_Ord/Fort-Ord_PN_Waste-Determination.pdf .
The Fort Ord Reuse Authority (FORA) would like to add it's comments to Mr. Timmon's letter to the record. These comments are as follows:

The DTSC working with the recommendations of the Regional Water Quality Control Board was very strict about defining the population of buildings, in preparation for this Special Waste Determination, and how the sites were selected for testing to avoid bias. The work was all done by a State Certified Hygienist and lab, in fact this is the laboratory selected by Cal OSHA for all their work. Many test, and duplicative confirmation tests were performed on all building components that make up the buildings, including the siding, but not limited to the siding as Mr. Timmons' test were.

There will be no mixing of wastes, as suggested by Mr. Timmons, but there will be removal of clean materials for reuse and recycling prior to disposal. The residual or waste is what has been characterized. This residual waste is not a RCRA waste. The RCRA question was addressed by DTSC very early on in the process because DTSC does not have jurisdiction over RCRA waste. The Special Waste Determination shows that the residual materials falls below the RCRA threshold yet exceeds the lower California thresholds for solubility and total lead. Therefore, DTSC has the jurisdiction to rule on the characterization of this residual material.

Mr. Timmons works for ARI which was active in FORA's last attempt to request \$10 million in seed funding from congress to begin a large scale removal of buildings on the former Fort Ord. This \$10 million has never materialized. ARI has bench tested a modified version of their Asbestos decomposition equipment to process LBP debris from the siding at Fort Ord and feels there may be an opportunity to use Fort Ord as a test site for this technology. To date ARI has not shown that their technique could be permitted in the Monterey Region or that it could even compete with the disposal of LBP materials in the Kettleman Hills Class 1 disposal facility. (A four and half hour drive form the former Fort Ord.) Furthermore, the US Army CERL testing, for which we provided the raw material, concluded that the time to decompose the LBP siding waste was inversely proportional to the size of the material being feed into it. There have been no tests, to my knowledge,

using the ARI equipment for decomposing residual debris which will contain materials in addition to the siding.

FORA is currently working with the US Army and California State University Monterey Bay in a project to determine the economic viability of salvaging the siding and removing the LBP. The material produced from this process is a RCRA waste and is has highly concentrated amounts of finely ground LBP and wood, which based on the US Army tests, is the ideal candidate for possible ARI's decomposition process. Unfortunately, even with all the siding separated there will still be residual LBP containing materials that will need to go to a landfill for disposal.

Four years ago, FORA and the Federal, State and Local regulatory agencies formed the Fort Ord Inter-Agency LBP Working Group specifically because these agencies all take the potential for lead poisoning very seriously. This group has searched out and worked directly with Mr. Timmons and others like him to find the safest and most environmentally friendly means to manage the LBP in the Fort Ord building, while remembering that the local communities must shoulder the building removal costs. We, the Fort Ord Inter-Agency LBP Working Group, welcome working with ARI as they develop this technology but feel that there must be an approved safe local alternative available for disposal of the residual debris in case new technologies like ARI's can not be brought to fruition fast enough to assist us here at Fort Ord.

Thank you for the opportunity to comment on this proposed action.

Stan Cook
Fort Ord Reuse Authority, Director of Facilities and Operations

> -----Original Message-----

> From: Dale Timmons [mailto:dtimmons@aritechnologies.com]

> Sent: Thursday, March 25, 2004 11:25 AM

> To: jframpto@dtsc.ca.gov

> Cc: Andrew Schneider (E-mail); Bill Boone (E-mail); Eddie Smith

> (E-mail); Julie Simpson (E-mail); Jerry Hermanson (E-mail); James Cahill

> (E-mail); Kevin Schanilec (E-mail); Mariys Palumbo (E-mail); Richard

> Lampo (E-mail); Rochelle Dornatt (E-mail); Steve Boon (E-mail); Timm

> Tuttle (E-mail); Michael Houlemard (E-mail)

> Subject: Comments on Special Waste Determination, Former Fort Ord,

> Monterey County, CA

>

>

> This comment is in response to DTSC's proposal to approve an application to

> manage 573 World War II era wooden buildings located at former Fort Ord

> pursuant to the web page:

> http://www.dtsc.ca.gov/OMF/Fort_Ord/Fort-Ord_PN_Waste-Determination.pdf

- >
- > Many of the surfaces, particularly the siding, window sashes and even some
- > of the interior surfaces of the buildings at Fort Ord were repeatedly
- > painted with lead based paint (LBP). Samples of the wood siding analyzed
- by
- > Analytical Resources in Tukwila, Washington shows that wood siding
- > originating from recently deconstructed Fort Ord buildings fails the Toxic
- > Characteristic Leach Procedure (TCLP) test by a considerable margin (39.8
- > ppm in the test extract). Consequently, the material that is painted with
- > lead based paint and that fails the TCLP is a RCRA Characteristic
- Hazardous
- > Waste.
- >
- > Pursuant to Section 66261.122, 22CCR a waste cannot be designated as a
- > special waste if it is a RCRA hazardous waste.
- >
- > While the EPA temporarily suspended this designation in 1998, this
- temporary
- > suspension does not apply to military or commercial structures.
- >
- > The proposed practices at Fort Ord that involve mixing the RCRA hazardous
- > waste with the non-hazardous materials that constitute the remainder of
- the
- > building constitutes dilution of the RCRA waste specifically for the
- purpose
- > of achieving favorable leach rates to attaining special waste designation
- > for the purpose of reducing waste management costs. Dilution of RCRA
- > hazardous waste for this purpose is specifically disallowed under 40 CFR
- > Part 261. Hence, the special waste designation should not be approved for
- > the portions of the building that are painted with LBP, particularly the
- > siding which is where most if the lead is.
- >
- > The estimated quantities of lead contained in the siding from just one
- > barracks at Fort Ord is approximately 200 pounds. This lead is leachable
- > and regardless of how it is diluted, all of the lead will be disposed of
- in
- > an unsuitable manner. Disposal of all of the buildings at Fort Ord
- > represents improper disposal of approximately 300,000 pounds of leachable
- > lead.
- >
- > According to the U.S. Environmental Protection Agency:
- >
- > "Lead is a highly toxic metal that was used for many years in products
- found
- > in a wide variety of consumer products. Lead may cause a range of health
- > effects, from behavioral problems and learning disabilities, to seizures
- and
- > death. Children 6 years old and under are most at risk, because their
- bodies
- > are growing quickly. Research suggests that the primary sources of lead
- > exposure for most children are:
- >
- > - deteriorating lead-based paint,
- > - lead contaminated dust, and
- > - lead contaminated residential soil."
- >

- > The Army Construction Research Engineering Laboratory in Champagne, IL has
- > conducted extensive research and development into methods have been proven
- > effective at reclamation and recycling of building materials from military
- > structures including the lead based paint. The data generated from these
- > efforts strongly suggest that recovery and reclamation can be accomplished
- > economically. Employment of these reclamation activities offers significant
- > advantages when compared to land disposal including:
- >
- > 1. Highly toxic and leachable lead is kept out of municipal solid waste
- > landfills
- > 2. If implemented on a national level, millions of board feet of valuable
- > old growth timber would be reclaimed rather than discarded
- > 3. The volume of the waste will be reduced by over 99%
- > 4. The toxic lead will be recycled into new lead products
- > 5. Potential for contamination of ground water supplies with leachable
- lead
- > is eliminated.
- >
- > Approval of dilution of the RCRA hazardous waste components of the Fort
- Ord
- > buildings raises legal questions and is a step backward in terms of waste
- > management practices. Considering that viable alternatives are available
- to
- > simply dumping all of this waste into landfills, approval of this special
- > waste classification should be seriously reconsidered. At a minimum, the
- > siding should be reclaimed and recovered because this is where the vast
- > majority of the lead resides.
- >
- > Thank you for the opportunity of commenting on this proposed action.
- >
- > Regards,
- > ARI TECHNOLOGIES, INC.
- >
- > *****
- > Dale M. Timmons, R.G.
- > President
- > dtimmons@aritechnologies.com
- > Phone: 425-391-0437
- > Fax: 425-961-0632
- > ARI Web Page: www.aritechnologies.com
- > *****
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- >
- >

CC: <fjv@forensica.com>, <wmerry@mrwmd.org>, "D. Steven Endsley" <steve@fora.org>, "Jim Feeney" <jim@fora.org>, "Michael Houlemard" <michael@fora.org>

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Does the special waste determination consider the removal of clean wood?

The DTSC working with the recommendations of the Regional Water Q Control Board was very strict about defining the population of buildings, preparation for this Special Waste Determination, and how the sites we selected for testing to avoid bias. The work was all done by a State Certified Hygienist and lab, in fact this is the laboratory selected by Cal OSHA for all their work. Many test, and duplicative confirmation tests v performed on all building components that make up the buildings, inclu the siding, but not limited to the siding as Mr. Timmons' test were.

*NO |
There is no clean wood*

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