



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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LAND, CHEMICALS &
REDEVELOPMENT
DIVISION

September 14, 2021

Denali Kemppele
General Counsel
Hilcorp Alaska, LLC
3800 Centerpoint Drive, Suite 1400
Anchorage, Alaska 99503

Re: Response to Hilcorp's Inquiry Regarding PCB Management at Swanson River Field
EPA ID AKD000643239

Dear Ms. Kemppele:

This letter is a follow-up from recent communications about managing polychlorinated biphenyl (PCB) contaminated materials at the Swanson River Field (SRF) in Alaska. We understand there are three known PCB issues of concern to Hilcorp Alaska (Hilcorp) and the U.S. Environmental Protection Agency (EPA) at this location:

1. Waterline excavation soils stock-piled on-site for disposal
2. PCB contaminated soils that were contaminated by an oil spill, and
3. Upcoming gas lift supply line excavation for inspection.

Due to the urgency of the planned excavation of the gas lift supply line (gas-line), this letter addresses that issue. That said, the same rationale applies to the stockpiled soils from the waterline excavation and oil spill clean-up.

The gas-line is in an area previously contaminated by PCBs, where on-site disposal of PCBs up to 12 ppm was allowed under a 1985 order by consent (OBC) between Chevron, the US Fish and Wildlife Service and Alaska Department of Environmental Conservation. Hilcorp intends to excavate two 5x5x7 foot deep trenches using a Hurricane vacuum to inspect the gas-line. Hilcorp has demonstrated an intent to comply with the PCB regulations for proper handling, storage, and disposal of the excavation soils by submitting a draft Soil Management Plan (Workplan) to the EPA July 6, 2021.

The Workplan states that "it is unknown if the area of this upcoming inspection was impacted or encompassed in the late 1980s remediation effort...". Subsequent communications from Hilcorp suggest that this area was previously remediated.

As stated in your September 1, 2021, email, the EPA's PCB regulations provide that "[a]ny person cleaning up and disposing of PCBs managed under this section shall do so based on the concentration at which the PCBs are found." Therefore, any PCB remediation waste excavated for the purpose of gas-line inspection shall be disposed of and managed based on the concentration of those soils prior to any excavation activity. Hilcorp contends that the historical investigation data provides sufficient characterization for this purpose. Specifically, the 1988 Mitigation Restoration Plan describes the

strategy employed for determining the number and location of soil samples to be collected following site mitigation in section 7.

As these samples were only collected where mitigation activities occurred, and the draft Workplan submitted by Hilcorp in July 2021 stated that it is unknown whether this area was previously remediated, the EPA cannot concur that the historical investigation data provides sufficient characterization. Moreover, the 1988 Mitigation Restoration Plan does not include any text or figures demonstrating mitigation and release sampling occurred at the gas-line inspection area. The Workplan submitted in July 2021 did not include any prior investigation or release sample data or information.

Your September 1, 2021, email states that the historical grids employed for the release sampling were either a 10x10 foot arrangement or a 20x20 foot arrangement. The email also states that the PCB regulations provides for the use of methods in 40 CFR Part 761, Subpart N to assess the sufficiency of existing site characterization data. 40 CFR § 761.125(a) states “[u]se a grid interval of 3 meters and the procedures in §§ 761.283 and 761.286 to sample bulk PCB remediation waste...”. Moreover, 40 CFR § 761.283(a)(1) states “[a]t each separate cleanup site at a PCB remediation waste location, take a minimum of three samples for each type of bulk PCB remediation waste...”. Sub-paragraph 2 provides an example that demonstrates three samples should be taken at each location where PCB remediation waste is, and for each type of material. For example, where there is PCB remediation waste at a loading dock, a storage lot and a disposal pit sub-paragraph two requires taking three samples each of the loading dock concrete, the loading dock clay soil, the storage lot oily soil, the storage lot clay soil, the storage lot gravel, the disposal pit sandy soil, the disposal pit clay soil, the disposal pit oily soil, the disposal pit industrial sludge, and the disposal pit gravel.

While a grid of 10x10 feet approximates the Subpart N grid size of 3x3 meters, a grid of 20x20 feet does not. Hilcorp has not provided evidence that the Subpart N protocols were used to determine sample locations, types of waste materials sampled, or quantity of samples collected in each type of waste material. In short, where historical release samples were collected, they were not collected in accordance with the protocol established in 40 CFR § 761.283. Therefore, the EPA does not find them sufficient for the purpose of determining the characterization of soils for any excavation activity conducted after the OBC, including the planned excavation at the gas-line inspection areas.

In your September 1, 2021, email you also offer that the EPA could rely on the historical use of Method 8080 to analyze the PCB remediation waste release samples for the purpose of establishing the current concentrations of PCBs in the soil and, thus, to determine an appropriate disposal method. Method 8080 is not as accurate as modern Method 8082 and is no longer considered the accepted method. The EPA has described this method as “obsolete” and stated that it provides lower resolution, selectivity, and sensitivity than other methods.¹ Therefore, the EPA does not find Method 8080 sufficient for the purpose of determining the characterization of soils for any excavation activity conducted after the OBC, including the planned excavation at the gas-line inspection areas.

Finally, prior to any new excavation or disposal activity, Hilcorp must demonstrate that the area was not contaminated since the OBC sampling took place. This may be done through characterization sampling, or through demonstration that the area was controlled against exposure to releases of PCBs. Hilcorp has not yet provided evidence that the planned gas-line excavation area was protected from PCB releases in the time following the implementation of the OBC.

¹ See 62 FR 32452, 32453-32454 (June 13, 1997).

To ensure worker safety and proper management, storage, transportation, and disposal of PCB remediation waste during the upcoming gas-line excavation and inspection activity, 40 CFR § 761.61(a) provides three options. Two of these options require in-situ sampling and allow for on-site disposal. Hilcorp can either choose to follow the self-implementing procedures in 40 CFR § 761.61(a), the performance-based disposal options of 40 CFR § 761.61(b) or apply for a risk-based disposal approval under 40 CFR § 761.61(c).

The Self-Implementing procedures require submitting a Notification to the EPA 30 days prior to the planned activity and following the characterization and verification sampling, storage, and disposal rules exactly. If Hilcorp does not hear back from the EPA within 30 days, Hilcorp can assume the Notification is complete and acceptable and proceed with the cleanup according to the submittal. The Self-Implementing options allow for on-site disposal in a low-occupancy area² ≤25 ppm without further restrictions. PCB remediation waste can be left onsite up to 100 ppm with additional restrictions.

If Hilcorp wants to dispose of PCB remediation waste on-site but cannot follow the specific sampling protocols required by 40 CFR § 761.61(a) for site safety reasons, Hilcorp can apply for approval to sample in a manner other than prescribed in 40 CFR § 761.61(a).

Lastly, if Hilcorp prefers to avoid sampling, or if soils are excavated prior to sufficient characterization taking place, 40 CFR § 761.61(b) allows for off-site disposal of all excavated materials in either a high temperature incinerator approved under 40 CFR § 761.70(b)(2)(i), an alternate disposal method approved under 40 CFR § 761.60(e), a chemical waste landfill approved under 40 CFR § 761.75, or in a facility with a coordinated approval issued under 40 CFR § 761.77. For a complete list of disposal facilities approved under these parts please see www.epa.gov/pcbs.

If you have any questions about this or other stock-pile management, please contact Michelle Mullin, of my staff, at (206) 553-1616 or mullin.michelle@epa.gov.

Sincerely,

Timothy B. Hamlin
Director

CC: Kelley Nixon
Hilcorp

Amy Pelozo
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Peter Campbell
Alaska Department of Environmental Conservation

² Under 40 CFR § 761.3, *Low occupancy area* means any area where PCB remediation waste has been disposed of on-site and where occupancy for any individual not wearing dermal and respiratory protection for a calendar year is: less than 335 hours (an average of 6.7 hours per week) for bulk PCB remediation waste.

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