

DEPARTMENT OF HEALTH SERVICES  
TOXIC SUBSTANCES CONTROL PROGRAM  
2151 BERKELEY WAY, ANNEX 9  
BERKELEY, CA 94704



TO: Interested Persons

FROM: Regional Section Chief

SUBJECT: Response to Comments on ROMIC CHEMICAL CORPORATION, EPA  
ID NO. CAD 009452657

Enclosed please find responses by the Department of Health Services (DHS) and the Environmental Protection Agency (EPA) to comments received on the draft permits for the above referenced hazardous waste facility. This permit would allow Romic Chemical Corp. to continue storing and treating hazardous wastes in tanks and containers at their facility in East Palo Alto, California.

Comments on the draft RCRA Permit and State permit modification were solicited by DHS and EPA during a 120-day public review period.

Following careful consideration of all the comments received, final permits for this facility will be issued by DHS and EPA. The enclosed document provides the agency's response to those comments.

Attachments

**RESPONSE TO PUBLIC COMMENTS  
ON THE DRAFT RCRA PERMIT AND STATE PERMIT MODIFICATION**

**for a Hazardous Waste Treatment and Storage Facility  
proposed by**

**Romic Chemical Corporation  
2081 Bay Road  
East Palo Alto, California**

**EPA Identification Number  
CAD 009 452 657**

**May 15, 1990**

**United States Environmental Protection Agency  
Hazardous Waste Management Division  
Region 9**

**State of California Department of Health Services  
Toxic Substances Control Program  
Region 2**

The following are comments presented to the Department of Health Services - Toxic Substances Control Program as a result of Public Notices issued October 6, & 18, November 18, 1989, and February 13, 1990, and a Public Hearing held on March 15, 1990. The notices and hearing were regarding a proposed Federal RCRA permit, State of California permit modification, and Negative Declaration for the management of hazardous waste at the Romic Chemical Corporation (Romic), East Palo Alto, California.

COMMENT: #1

What is the chance for exposure to toxic hazardous waste from the Romic facility?

RESPONSE:

Based on a review of Department files and those of other regulatory agencies, there is no indication of a significant exposure to toxic hazardous waste from ongoing Romic operations to the residents of East Palo Alto. This review was based on the historical and current operation of the Romic facility. As a result of past activities, however, there is significant contamination of ground water with organic solvents and byproducts at Romic. According to current information, shallow ground waters directly underlying the facility and the tidal slough east of the facility are contaminated. The tidal area borders the east side of the facility property line. This contaminated ground water has a high degree of salinity and to our knowledge is not currently being used for domestic, agricultural or industrial purposes. Nevertheless, direct contact with the contaminated water (excavations for construction, etc.) or inhalation of vapors originating from the contamination could occur. If human exposure to the contaminated ground water or vapors occurred, this could pose a significant cancer risk, depending on the duration and magnitude of exposure.

To assure that no workers will be exposed during construction excavations, the following condition has been added to both the state and federal permits:

"Prior to construction of West Drum Building Nos. 1 and 2, and the reconstruction of the fuel blending/liquefaction treatment building, the Permittee shall submit a Health and Safety Plan which includes monitoring for air emissions and additional precautions to be taken by construction workers and employees to avoid exposure to hazardous fumes unless analyses show fumes to be at such a level as to be non-hazardous to human health. The Health and Safety Plan

or analyses shall be submitted to the Director at least thirty (30) calendar days prior to starting construction. Construction shall not begin until written approval of the Health and Safety Plan or analyses is given by the Director."

The Environmental Protection Agency Region 9 office (EPA) has the lead for investigating the risks associated with the ground water contamination. On May 8, 1990, EPA approved the RCRA Facility Investigation (RFI) Workplan for the site. Romic will be installing and monitoring new ground water wells and conducting air monitoring to identify the extent of migration of vinyl chloride and other chemicals in the ground water, soil, and air. Upon completion of the RFI, Romic will conduct a Corrective Measures Study and then implement the appropriate corrective measures. In addition, Romic may pursue the implementation of an interim ground water remediation system prior to the completion of the RFI.

**COMMENT: #2**

What are the results of accidental chemical spills and leakage?

**RESPONSE:**

Accidental spills and leakage of hazardous wastes are addressed in the Contingency and Emergency Response plans contained in the Romic permit application. These plans specify procedures for dealing with accidental chemical spills and leakage at the facility. The Contingency and Emergency Response plans satisfy all State and Federal hazardous waste facility permit requirements. The plans are located in sections VI and VII of the permit application.

Historically, several spills and leaks have occurred; the largest spill reported occurred in 1973 when approximately 20,000 gallons per day of contaminated rain water was released to a slough east of the facility for several days, because of flooding. The release was caused by a breach in a dike. Current information does not indicate that there was any significant adverse impact on the environment. This release was observed by the California Regional Water Quality Control Board (RWQCB). The RWQCB required Romic to repair the damaged dike via a Clean up and Abatement Order issued on March 23, 1973.

Neither company employees nor nearby residents have ever reported an injury as a result of spills or leaks. In 1984, tank equipment failure resulted in the loss of less than 450 gallons of the solvent picoline. In January 1989, a truck released 20 to



25 gallons of diesel fuel. These two spills occurred on paved portions of the facility and were immediately cleaned up. In addition to the spills and leaks mentioned above, the only other recorded incident occurred in May 1989. During this emergency a fire broke out in the solvent blending area. The cause of the fire was a faulty pump motor. The fire was controlled by the local fire department using fire fighting equipment provided by the facility. There were no reported injuries as a result of the incident. At the time of the fire, the local wind direction was reported to be south-east towards the San Francisco Bay. The facility was inspected the following day by the Bay Area Air Quality Management District. The facility was not cited for any operational violations as a result of the fire. Proposed design changes specified in the permit application for the solvent blending area and other portions of the facility will reduce the possibility of any future fires or explosions.

COMMENT: #3

What is the extent of ground water contamination and Romic's plan of action to correct it ?

RESPONSE:

The permit contains language that would enable DHS and EPA to take enforcement action against Romic should the company fail to comply with the ground water Corrective Action Order issued by EPA. Beyond that language, the operating permit does not specifically address the contamination. Since the ground water is of concern, the following paragraphs describe the current status.

As explained in the response to comment #1, current information indicates that shallow ground water directly underlying the facility and the tidal slough east of the facility are contaminated. The ground water contamination is suspected to have migrated east of the facility towards the tidal marsh and the San Francisco Bay. Most investigations and reports have been prepared according to guidelines mandated by the Department and the EPA. These reports include: RCRA Facility Investigation (draft) dated May 3, 1989, Phase 1 Corrective Action Study - May 1985, Phase 2 Corrective Action Study - June 12, 1986, and Phase 3 Site Investigation - 1987.

Romic has completed the final RCRA Facility Investigation Work Plan and will make a copy of that report available to the public. Information from the Phase 1, 2, and 3 reports is summarized in the Description of Current Conditions which Romic has completed

as part of the their work under the Corrective Action Order with EPA. Romic will also make this document publicly available. Contact Steve Henshaw at Romic (415-324-1638) to confirm the date and location that the reports will be made available to the public. All reports completed pursuant to this investigation will also be made available to the public, and Romic is responsible for providing information to the public during the investigation. The public will have access to information about the investigation and remediation work prior to the public comment period on a draft clean-up plan which would be prepared by Romic under the direction of EPA. All public and agency comments will receive full consideration prior to approval and implementation of a final clean-up plan.

COMMENT: #4

What are the short and long term effects of toxic fumes in East Palo Alto and neighboring cities?

RESPONSE:

Toxic fumes can originate from a number of different sources including automobile emissions, industry, hazardous waste management facilities such as Romic and activities occurring at private residences. The Bay Area Air Quality Management District is the regional air quality regulatory agency, and they should be consulted for questions on air quality in general, including toxic fumes. The phone number for BAAQMD is (415) 771-6000.

Romic is required to prepare an emission study pursuant to Assembly Bill 2588 Air Toxics "Hot Spots" Information and Assessment Act of 1987. The intent of the bill is to gather information concerning the emission of toxics from point sources. The information is to be gathered by a private consultant and submitted directly to the Bay Area Air Quality Management District (BAAQMD) for review. It is possible that a complete risk assessment, addressing potential effects over the lifetime of nearby residents (70 years), will be required of Romic after the more detailed review of the potential emissions. The complete risk assessment process could take a year or more to complete.

With respect to toxic fume emissions, there are advantages to enforcing the proposed permit modifications soon rather than waiting for the implementation of Assembly Bill 2588. The proposed permit conditions place more stringent controls on the facility and do not allow any increase in capacity.

Increased controls will result from permit requirements that aisle space be considerably increased and that drums be stacked two-high instead of three-high, as currently permitted. This reduces the fire potential and facilitates inspection of drums. In addition, the new buildings will be required to have automatic fire suppression systems which have already been approved by the Menlo Park Fire District. The permits would also require the existing hazardous waste storage buildings to be retrofitted with the same fire suppression system. The system is designed to spray foam to cover the entire area when triggered manually or by heat. Also, numerous fire extinguishing systems consisting of three 300 lb. dry chemical extinguishers, 30 portable fire extinguishers, three AFFF lightweight foam hose reels, and seven fire hydrants would be required to be located in strategic locations throughout the facility.

It is acknowledged that most of the modifications from improved fire controls will be implemented regardless of the proposed permit actions, and that many of them are being required by the fire district. However, the fire district does not have the authority, at this time, to require that all of its suggested improvements be implemented. The proposed permits would establish enforceable requirements for implementing the improvements and maintaining them.

EPA is the lead agency for investigation of current contamination at the facility. The investigation will include an examination of possible toxic chemical releases into the air from contaminated ground water.

Additionally, the Department is currently performing a preliminary health review of the East Palo Alto area. The Department is conducting a review because community members have reported what they believe to be abnormal rates of low birth weight, birth defects, and cancer. The preliminary review shall attempt to determine if and/or what type of human health study should be performed.

Finally, the facility routinely performs air monitoring on-site to comply with Bay Area Air Quality Management District (BAAQMD) and OSHA requirements. In addition, Romic's insurance carrier has recently monitored the facility. This monitoring survey determined that the exposure of employees to those chemicals monitored was less than half the exposure standards established for worker protection by OSHA regulation. That is, the typical exposure to a worker at Romic is far below that which is allowed for worker health and safety.



COMMENT: #5

Why hasn't a Risk Assessment been performed?

RESPONSE:

Current laws do not require that risk assessments be done for this type facility in this status. The Department's position is that a risk assessment is unnecessary in this case, particularly because of other studies being planned. For example, see Response #4 above. Also an emission study will be performed pursuant to Assembly Bill 2588.

The proposed permits would allow continued operation of an existing facility with no capacity increase. Furthermore, on issuance of this permit, more stringent controls will be required, which will reduce the risks. It is prudent to require the more stringent controls now, rather than wait for the emissions study or any subsequent risk assessments which might be required. If Romic asks for a capacity increase at a later date, we might require a risk assessment as part of the application.

COMMENT: #6

Is there an evacuation plan?

RESPONSE:

Yes, the permit application, section VII, H has an evacuation plan that defines the procedures employees would follow to evacuate the facility in the event of an emergency. Evacuation plans for the surrounding community are not required for hazardous waste facilities by State and Federal hazardous waste laws. The City should be contacted for further information on this matter.

COMMENT: #7

Is an expansion included in the permits Romic is applying for?

RESPONSE:

The amount of waste that the facility can store will not be increased by the proposed permit. However, the permit will allow construction of a new hazardous waste drum storage building (West Drum Building No. 2), reconstruction of a fire damaged treatment area used for fuel blending and liquefaction, and construction of



a building to cover an existing hazardous waste drum storage area (West Drum Building No. 1). Due to the permit requirement which decreases drum stacking height from three-high to two-high, West Drum Building No. 2 will be used to accommodate drums from other storage buildings which are currently permitted to stack drums three-high. The result of this construction is safer handling and inspection of all drummed waste at the facility. Romic is proposing two other buildings, which will be used for truck cleaning and maintenance, which are not regulated under the Hazardous Waste Control Act and are, therefore, not included in the permits. Approval from this Department is not required for the construction of non-regulated units; however, the non-regulated units are subject to all other state and local regulations.

If the facility proposes to significantly increase its hazardous waste storage or treatment capacity in the future, the Department shall require the facility to formally apply for a permit modification, which would include public involvement and reopening of the CEQA process. A risk assessment might be required as well. Permit modification requests can be denied as well as approved.

**COMMENT: #8**

It is the opinion of the City of East Palo Alto Planning Department that an Environmental Impact Report (EIR) should be prepared for the construction of the new drum storage building, and three other buildings at the site, because the site is in a flood hazard zone. The basis for this request is that an EIR would allow for the consideration of other alternatives for improved plant safety which do not require the construction of an additional storage area in a hazardous zone.

**RESPONSE:**

According to the information reviewed by the Department, the plans for construction of the buildings described in response to comment #7 (above) identify the potential flood hazard; the structures have been designed so that they would not be impacted by flooding. The Department believes that the construction of new buildings will allow the facility to manage their permitted capacity in a safer manner.

**COMMENT: #9**

Midpeninsula Regional Open Space District (MPROSD) - Supports the RCRA operation plan to enable Romic to handle hazardous waste more safely and efficiently. However, they are concerned about the ground water contamination. Specifically, during a site visit, a representative of MPROSD noticed puddling of what appeared to be surfacing ground water in the streets outside of the facility. Although the comment did not specify what problem might be associated with the surfacing ground water, the Department assumes this comment concerns the possible existence of contaminated surface water. This contamination may be caused by surface runoff from the facility or percolation of contaminated ground water from Romic.

**RESPONSE:**

A review of the surface topology, subsurface hydrogeology, and the ground water contamination in the area, indicates that the contamination at the Romic site is not migrating towards the City of East Palo Alto. This indicates that surface runoff or ground water from the facility should not flow to the streets outside the facility. See the responses to comments #1 and #3 above. EPA is overseeing the continuing investigation and future remediation of the contaminated ground water.

It is improbable that any spills from current or future hazardous waste activities at Romic will enter the ground water or leave the site as surface flows. There are many control features in the permits, including covered storage areas with secondary containment and immediate clean-up requirements.

**COMMENT: #10**

San Francisco Bay Conservation and Development Commission - Request a map of the site outlining the boundary of the proposed drum storage building.

**RESPONSE:**

The Department has sent a copy of a map outlining the proposed drum storage building and the highest tide line.

**COMMENT: #11**

During the occurrence of low cloud levels in summer months, solvent vapors are evident where an individual lives. On several occasions the vapors were reported to be so strong that he got a headache. At one time, the odors were reported to be so strong that he called the fire department.

**RESPONSE:**

During several site visits by DHS staff, strong solvent vapors were detected in and around the Romic facility. However, the exact source of the strong solvent vapor could not be determined as coming from a source at the Romic facility. A faint solvent smell was observed during a walk through of all storage and process areas, but this is to be expected. The Department does not discount the possibility of solvent vapor emissions from Romic as a potential source of the solvent odors in the community during certain times of the year. However, it has been noted that there are numerous businesses in the area that use solvents regularly which may be contributing to the problem.

All emission sources at the Romic facility will be evaluated pursuant to Assembly Bill 2588 Air Toxics Information and Assessment Act of 1987. (Refer to response to comment #4)

Complaints regarding solvent vapors or other offensive odors in the community should be directed to the Bay Area Air Quality Management District at (415) 771-6000.

**PUBLIC HEARING COMMENTS:**

**COMMENT: #12**

What are the possibilities and effects of future fires and explosions at Romic if the wind is blowing towards the community?

**RESPONSE:**

See the response to comment #4 above. The proposed changes at the facility would reduce the likelihood of a fire. However, in the event of a fire or an explosion, the new fire suppression equipment will, under most conditions, extinguish any fire immediately.

COMMENT: #13

There have been chemical spills on road ways in East Palo Alto, which are suspected to have come from Romic trucks. What can be done to prevent such occurrences?

RESPONSE:

The Department does not have any records of complaints regarding spills in East Palo Alto. However, it should be noted that registered hazardous waste vehicles are required to comply with stringent standards and may be fined up to \$25,000/day in the event of a spill. In addition, hazardous waste vehicles are inspected by the California Highway Patrol regularly. Therefore, the possibility of a release from one of Romic's trucks is unlikely. In the future, any spills should be reported to the Department of Health Services at (415) 540-3734.

COMMENT: #14

What are the effects of vapors from the facility in the event of a fire or explosion.?

RESPONSE:

In the event of an uncontrolled fire or explosion at the Romic or other facilities in the area hazardous vapors could be released to the atmosphere. The impact on the community would depend on the direction of the wind. Under these circumstances, the local health or fire departments would determine if an evacuation was necessary.

The improvements authorized by the permit will reduce the likelihood of an uncontrolled fire or explosion in the future.

COMMENT: #15

Won't the new drum building construction allow the facility to expand it's capacity?

RESPONSE:

See the response to comment #7.



COMMENT: #16

What more stringent controls will be imposed by the new RCRA permit and permit modification?

RESPONSE:

See the response to comment #4 above. The current conditions of Romic's federal RCRA interim status permit authority and its State hazardous waste permit broadly define the hazardous waste activities at Romic. The new permits clearly identify all hazardous waste treatment and storage activities at the facility, including process limitations, and areas where waste can be stored. For example, the new permits only allow hazardous waste drums to be stacked two high and specifically require clean up, i.e. corrective action, of past contamination in order for Romic to continue to operate.

In addition, the new permits require modifications to improve the existing waste analysis plan, installation of equipment to more accurately monitor treatment and storage activities, and installation of more effective fire protection equipment.

COMMENT: #17

Is there sufficient data to make a permit decision? In the permit application or supporting documents there is no information on the health effects of Romic's operations as they relate to the community at large.

RESPONSE:

Yes, there is sufficient data for the permit decisions. Existing data has been considered, and more data will be collected and evaluated in the future. The proposed permit modifications would reduce the likelihood of any future adverse health effects, by placing more stringent controls on this existing hazardous waste management facility, with no increase in capacity. See the responses to comments #1 and #3 above.

**COMMENT: #18**

Is there a threat from Romic's operations to children growing up in this community?

**RESPONSE:**

See the responses to comments #1 and #3 above. All emission sources at the Romic facility are being evaluated pursuant to Assembly Bill 2588 Air Toxics Information and Assessment Act of 1987.

**COMMENT: #19**

Is the facility operated safely?

**RESPONSE:**

The facility is required to monitor all treatment and storage activities on a regular basis. In addition, all employees are adequately trained to safely operate the facility and to respond in the event of an emergency.

The Department's Surveillance and Enforcement Unit periodically inspects facilities such as Romic and take enforcement actions for violation of a permit condition. The permit conditions or established and enforcement actions are taken such that, in most cases, penalties are assessed and corrections are made before there is a threat to public health or the environment.

**COMMENT: #20**

Is the expansion necessary?

**RESPONSE:**

No increase in allowable capacity will occur. Construction of one new storage building and the enclosure of an existing storage area will allow the facility to manage waste in a safer manner. Drummed waste will only be stacked two high, instead of three as currently allowed. This change will allow better access to storage areas and waste in the event of a fire. See response to comment #4 above.

COMMENT: #21

Is the facility adequately equipped and are the employees trained to handle spills and other emergencies at the facility?

RESPONSE:

Yes, please refer to the response to comment #19 above. This information is provided in section VI, VII & IX of the permit application.

COMMENT: #22

The fire department supports the modifications because of a reduced risk of fire and explosion. The proposed changes will reduce the risk for fire fighters at the facility in an emergency.

RESPONSE:

See the response to comment #4 above.

COMMENT: #23

The building permit before the city indicates that Romic plans to build four buildings not one. You state the facility proposes to build only one new building, why is there such a discrepancy?

RESPONSE:

The discrepancy is due to the fact the some buildings are regulated by the Hazardous Waste Control Act and some are not. See response to comment #7 to identify regulated vs. non-regulated units. Only regulated units which require approval from the Department are addressed in the permit.

Romic shall be required to submit a new permit application to the Department and EPA if it proposes to store or manage hazardous wastes in any building not authorized by the final permit application. The practice of enclosing hazardous waste storage areas with structures is generally preferred and is supported by the Department and the local fire agency. The Department expects that the City of East Palo Alto will be the lead agency for permitting any new buildings. This lead agency status would include authorities specified in the California Environmental Quality Act (CEQA).

**COMMENT: #24**

Why was a negative declaration made and not an Environmental Impact Report (EIR).

**RESPONSE:**

See responses to comments #4 and #5 above.

Our environmental review concluded that a Negative Declaration was appropriate. The proposed permits would allow continued operation of an existing facility with no capacity increase. More stringent controls would be required, which will increase protection of public health and the environment and reduce the potential for environmental impacts.

If Romic asks for a capacity increase in the future, the CEQA process will be reopened. An EIR and/or a complete risk assessment may be required.

**COMMENT: #25**

Fire Department. - the facility needs extra buildings in order to handle waste more safely.

**RESPONSE:**

The Department agrees with this statement. The hazardous waste managed at Romic could be handled more safely if the facility has additional buildings.

**COMMENT: #26**

What are the effects and possible dangers of vehicles coming in and out of the facility, and driving on local streets?

**RESPONSE:**

The permit does not allow any capacity increases, therefore, no increase in traffic is expected. The permit only addresses the traffic patterns within the facility. Traffic around, from, and to Romic is regulated by local agencies in East Palo Alto. These agencies include the City of East Palo Alto and the California Department of Transportation. Questions concerning the regulation of hazardous waste traffic should be directed to the local office of these agencies.



COMMENT: #27

Do TCE solvent vapors turn into phosgene at the facility? Scientific literature reports that TCE vapors can be transformed into phosgene gas by mercury vapor and florescent light fixtures.

RESPONSE:

Phosgene gas is a potent acute toxic gas. However, it is extremely unlikely that any measurable amount of phosgene gas could be generated from the TCE (trichloroethylene) stored or handled at the Romic facility. This type of transformation would require high concentrations of vapor and open spark or arc sources. Neither types of events would exist at the facility even if a treatment upset or accident occurred.

COMMENT: #28

Why don't you force the facility to close?

RESPONSE:

We have no evidence to suggest that it would be appropriate to force the facility to cease operation and commence closure at this time.

COMMENT: #29

Didn't know that the facility even existed.

RESPONSE:

None

COMMENT: #30

Romic is buying off the community, and why isn't information about possible existing health hazards being made available? I know that information like this is available.

RESPONSE:

See responses to comments #1, 3, and 4 above with respect to information and health hazards. Information is currently available in the files of the various agencies and more information will be made available as it is developed by ongoing

studies and investigations. Additionally, permit application and corrective action documents are available for public review in the East Palo Alto Library.

The Department cannot respond to charges that Romic is "buying off the community".

COMMENT: #31

Didn't the Department staff try to discourage a public hearing?

RESPONSE:

The Department welcomes and encourages public participation in the permit determination process. Questions by the public during the public notice period before the hearing indicated that a community meeting would be the most appropriate forum to answer these questions. Department staff suggested raising questions at a community meeting to help provide information to concerned citizens and discuss any of their concerns. This suggestion for a public meeting was not to discourage a public hearing. A public meeting was held prior to the public hearing to assist in answering any questions. Department and EPA staff held a community meeting because the format of a public hearing has a defined regulatory form and is not designed for responding to questions. A public hearing is a chance for the public to formally submit their comments. For this reason a community meeting, designed for immediate response to questions, was initially suggested and ultimately arranged prior to the public hearing.

COMMENT: #32

Don't the San Mateo County hazardous waste plans specify doubling the size of the Romic facility?

RESPONSE:

Separate from this permit application, Romic proposed to the County of San Mateo an increase in the size and capacity of its facility. This proposed modification is not allowed by the permit. Any significant increase in size or capacity would require a Federal and State hazardous waste facility permit modification. See response to comment #7 above.

**COMMENT: #33**

How should the community respond in the event of another fire or explosion? Shouldn't Romic notify the public?

**RESPONSE:**

Romic is required to notify local public safety agency personnel in the event of a fire or explosion. The local agencies, e.g. local fire and health departments, coordinate notification of the public when necessary.

ATTACHMENT 1

On December 28, 1989 the Department received (hand carried) a petition signed by 249 citizens of the City of East Palo Alto, requesting a public hearing. The petition identified four specific questions.

- 1) Exposure to toxic hazardous waste,
- 2) Results of accidental chemical spills and leakage,
- 3) Extent of ground water contamination and Romic plan of action to correct it,
- 4) Short and long term affects of toxic fumes in East Palo Alto and neighboring cities.