

FBO4



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ENTERED



TRANSMITTAL LETTER

TO: Mr. Richard Smith
Tulsa District Corps of Engineers
1645 South 101st East Avenue
Tulsa, OK 74128-4629

Project: Fort Bliss / McGregor Range Pond
Supplemental RFI Report Response to Comments
Contract No. DACA56-04-D-2005, Task Order 19
Subject: Response to Comments Transmittal
Date: 23 January 2006

WESTON TRANSMITS THE FOLLOWING:

- Letter
- Report
- Calculations
- Per Your Request
- Memo
- Drawings/Specifications
- RFW Literature
- Product Literature
- Other

ITEM NO.	NO. COPIES	DESCRIPTION	ACTION
1	1	Report – McGregor Range Oxidation Pond Supplemental RFI Response to Comments	

REMARKS: A revised response to NMED comments on the Supplemental RFI Report for the Fort Bliss McGregor Range Oxidation Pond is attached. If you have any questions or comments please call me at (512) 651-7104. We appreciate the opportunity to assist Fort Bliss and the Corps of Engineers Tulsa District on this project.

COPIES TO:
Ron Bacca, Fort Bliss
David Dodge, Weston

WESTON SOLUTIONS, INC.
Stephen J. Mitchell, P.G .
Sr. Project Manager

Comments on
Supplemental RFI Report, SWMU No. 19 McGregor Range Camp Oxidation Pond February 2005)
 COE Contract No. DACA56-02-D-2008, Task Order No. 0001
 McGregor Range Camp Oxidation Pond, Fort Bliss, New Mexico

23 January 2006

Reviewer: John E. Kieling Manager, Permit Management Program NMED

Respondents: Steve Mitchell (Weston Solutions, Inc.); Katie Mittmann (Weston Solutions, Inc.); Andy Kallus (Weston Solutions, Inc.), David Dodge (Weston Solutions, Inc.)

Comment Number	Page(s)/ Section	Paragraph/ Line	Comment	C, D, E ¹	Draft Response	A o r D 2
General NMED Comments						
1			The report indicated that previous subsurface investigations and valdose zone modeling indicated that there is no significant threat to groundwater from the oxidation pond (Tetra Tech). Additional justification that groundwater could not be impacted was provided indicating that the pond was lined and that the area does not receive significant amounts of precipitation. Thus, there is no mechanism for contaminant transport. However, the report also indicates that the integrity of the liner has been compromised in several locations.	C	Substantial prior investigation reports, submitted to NMED over many years, have repeatedly demonstrated that there is no evidence that there is connection between the sediment and subsurface soil of the oxidation pond and the underlying regional aquifer. Additional evidence, based on the data and modeling provided in Groundwater Monitoring Suspension Request (Malcolm Pirnie, Inc.) completed for a nearby landfill on McGregor Range, again demonstrate there is no connection between the shallow perched water zone beneath McGregor Pond and the deeper aquifer. Based on the local geology and hydrology presented in the Tetra Tech report and the Malcolm Pirnie Report, there is no significant threat to groundwater from the sediment and surface water in McGregor Pond.	
2.			There is a continuous problem with selection of reporting limits that are greater than screening benchmarks. Prior to sending samples to the selected laboratory, the data quality objectives (DQOs) should have been set. As part of defining the DQO process, the screening levels should have been reviewed to ensure that the laboratory could meet appropriate reporting limits. As screening levels are above reporting levels for several constituents, there is considerable uncertainty in the data and therefore the conclusions.	D	A second round of tissue sampling was performed after the initial samples collected were of inadequate volume to reach the lowest possible reporting limits for the COCs of concern. The second round of samples included larger volumes and an additional tissue type (salamander). Although the laboratory was still unable to reach a reporting limit as low as the most conservative ecological benchmarks provided in the literature, the currently most sensitive national techniques available were used	

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			There is no way to determine whether contamination is present at levels less than the reporting limits but greater than screening levels. In addition, reporting limits for the tissue samples were elevated due to the insufficient sample volume being collected. The Permittee should have determined what the required sample volume was for each type of tissue to be collected prior to sampling.		by the laboratory on this second larger sample set. Only the second set of tissue data was used to assess risk to the ecological receptors, the initial tissue data was used only for additional concurring information. The uncertainties created by the reporting limits are addressed in the uncertainties section of the report. In addition, the uncertainty related to the tissue modeling used is also provided in the uncertainties section of the report. Although the potential risk posed by some COCs may be associated with uncertainties, data from other similar COCs indicates the risk is not likely significant.	
3.			It is not clear if the information concerning human health risks provided in this report is supposed to represent a human health screening assessment. If it is, then the information provided in the report is inadequate and the report must be revised to provide a more thorough and complete evaluation of risk.	D	The information provided for human health risk in this report only intended to be a screening of the data collected from the pond for potential risk to humans. Details of the potential risk to humans are provided in the reports from which the data is referenced. In addition, the wastewater oxidation pond is fenced and clearly marked. Not only is it marked "Off Limits by Order of the Commanding General" but further marked clearly as a Sewage Lagoon.	
4.			The RFI does not discuss the fate or potential impact of the Imhoff tanks. The Permittee must explain how the tanks will be addressed, and how the risk issues related to these structures will be handled.	D	The Imhoff tanks are not part of the focus of the ecological risk assessment for the pond. The risk assessment was initiated specifically to assess the risk to the aquatic bird species associated with the ponds. Information on the Imhoff tanks is provided in numerous previous site reports including the Remedial Investigation Report.	

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5			Typically when tissue samples of biota are collected, the results are statistically compared to an initial baseline concentration or reference site concentration. If the tissue results are above the baseline concentration, then there is reason to assume that bioaccumulation has occurred and that the tissue contain elevated levels of contaminants. The next step would be to compare the tissue data to screening levels for ecological receptors. Examples may be no-observed-effect-levels (NOELs) or lowest-observed-effect-levels (LOELs). If the tissue data are greater than the selected screening level, then there is reason to assume that there has been an unacceptable ecological impact and corrective measures may be required. Since tissue data were collected, a comparison following the above outline should have been conducted. The risk assessment must be revised to address the results of the tissue sampling.	C	Because the site is a legally constructed waste water pond in a desert habitat, there is no site specific baseline data available for comparison. The intention of this risk assessment is not to provide the assessment of potential risk to the lower level trophic species (plants, invertebrates, salamanders) but to assess the potential for risk to upper trophic level species that have inhabited the pond as a result of the presence of water in the desert, and because of the presence of the lower level species as a food source. Therefore risk analyses, including comparison the baseline values and NOELs and LOELs for the salamander, plants and invertebrates was not performed.	
6.			Ingestion of pond water (surface water) was not addressed in the ecological risk assessment, with the justification that surface water concentrations were below Maximum Contaminant Levels (MCLs). However, MCLs are not solely risk-based numbers and as such are not appropriate for use in screening for a risk assessment. The risk assessment must be	C	The intention of the risk assessment was to look at the potential risk to the birds inhabiting the pond as a result of the presence of the constructed waste water pond. The water in the pond is constantly fluctuating as a result of the waste water discharge to the pond. The intent of the risk assessment is not to assess the risk from the waste water, but to assess the potential for risk from the sediment that may be affected by	

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			revised to address ingestion of surface water.		the historic discharges to the pond. The reference to MCLs will be removed from the ecological risk assessment.	
7.			Given that the oxidation pond has become an integral habitat for such a diversity of aquatic flora, it seems reasonable that a phytotoxicity evaluation should have been conducted. The Permittee must discuss why toxicity to the plant species in the vicinity of the pond was not conducted.	D	See response to comment number 5.	
8.			The receptor species selected for the risk assessment all appear to be of higher trophic levels (trophic levels 3 and 4). It does not appear that lower trophic level organisms (levels 1 or 2), such as plants and invertebrates were evaluated. Typically at least one receptor species for each trophic level is selected for an ecological risk assessment. Note: larger species may not be justified for smaller areas, where the area of concern represents only a small fraction of the foraging range. The Permittee must discuss the rationale for the selection of the receptor species and demonstrate how they are representative of the entire ecosystem.	D	See response to comment number 5.	

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9.			<p>The VEGA study indicated that there was potential for ecological risks, as evidenced by elevated hazard quotients (HQs). The Permittee must discuss the difference between the VEGA ecological risk assessment and the risk assessment contained within the supplemental RCRA Facility Investigation (RF1). In addition, the Permittee must discuss any differences in methodology may have been used. The RFI also concludes that there are elevated risks based upon the results provided in the supplemental RFI. Justification, such as the conservativeness of the assumptions and the fact that this was a screening level analysis, was provided to conclude that the risks are within acceptable limits. Given this, the Permittee must explain the differences in the magnitude of risk estimated in the VEGA study versus the RFI.</p>	C	<p>The Vega Study was an initial screening assessment and did not include an extensive sampling of the pond sediment and the associated plant, or animal tissues. This risk assessment was performed to provide a detailed assessment of the site, providing data for all the exposure factors contributing to the potential for risk to upper level trophic species. The risk was performed based on the 95% UCL of the COC concentration in the sediment, not the maximum, and the COC concentrations reported in the associated tissues. Because it was an "assessment" only, the initial Vega ecological screening produced a limited amount of data and was not designed to produce tissue data.</p>	
10.			<p>Given that some of the resulting HQs were well above the target level of one, discuss why a more refined (or Tier 2) analysis was not conducted. Typically if a screening level analysis fails to meet target levels, a refined analysis using site-specific data and less conservative toxicity data is conducted. Based upon the magnitude of some of the HQs, it is not clearly evident that if less conservative</p>	C	<p>Noted. The resulting HQs will be reviewed and an explanation will be provided for each COC that was not retained for additional analyses.</p>	

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			assumptions were applied, the risks would drop to within acceptable levels. The Permittee must provide additional analyses or justification to demonstrate that there are no unacceptable ecological risks.			
11.			The Permittee must discuss why background was not determined (or applied) for the inorganic constituents of concern. In ecological risk assessments, the screening level is deemed inappropriate, and a comparison to ambient levels is conducted if natural background levels are greater than the respective screening limit. This approach may be appropriate for arsenic.	C	There is no available background information for the McGregor Pond. The pond is an isolated ecosystem that was artificially constructed in the desert environment for the purpose of treating waste water. As a result, no other similar systems are present to provide baseline/background data for site comparison. Therefore, in the absence of background concentrations, screening benchmarks were applied.	
12.			Aluminum was included as a constituent of concern (COC) in the risk assessment. However, bioavailability of aluminum for plant uptake and ecotoxicity is associated with pH, and aluminum is biologically inactive in neutral to alkaline (pH 5.5-8.0) conditions. Therefore, aluminum should only be included as a COC if soil pH is less than 5.5. The Permittee must discuss the pH of the soil/sediment at the oxidation pond and the appropriateness of the inclusion of aluminum as a COC.	C	Noted. The aluminum risk data was included to provide a conservative estimate of risk. The pH data will be included.	

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13.			Groundwater may not have been adequately characterized. While the 1997 subsurface investigations conducted by Tetra Tech indicated that migration of contaminants to groundwater is not a concern, it appears that only the deeper aquifer was addressed. The shallow aquifer (50-60 feet below ground surface) does not appear to have been addressed. It is not clear what the water quality of this aquifer is and whether any off-site receptors utilize this water for irrigation or livestock watering purposes. The Permittee must discuss why the shallow aquifer was not addressed and whether the shallow aquifer is utilized by off-site receptors. Also, if warranted, the Permittee must conduct a soil-to-groundwater screening assessment to verify whether there is a potential threat for contaminants to migrate to this shallow aquifer.	D	The shallow water bearing zone directly below the pond is limited in size and reflective of the pond above. The shallow water bearing unit beneath the pond was not located in soil borings advanced in the vicinity of the pond. Tetra Tech identified a thin wet interval between 56 to 58 feet bgs; however, no water entered the boring. Perched groundwater has been confirmed at two locations adjacent to the oxidation lagoon but not greater than 1000 feet from the pond. The shallow groundwater unit has only been identified beneath and directly adjacent to the pond. In addition, there are no wells within a five mile radius of the pond (drinking water for the range camp is piped in from El Paso), therefore no completed pathway exists for the shallow groundwater unit. Based on the data and modeling provided in Groundwater Monitoring Suspension Request (Malcolm Pirnie, Inc.) completed for a nearby landfill on McGregor Range, there is no connection between the shallow perched water zone beneath McGregor Pond and the deeper regional aquifer.	
14.			The report briefly addresses human health exposure to soil/sediment in the oxidation pond. However, the intent of this discussion is not clear. Both residential and industrial levels are used in comparison to site levels. In addition, there does not appear to be any calculation of actual risk levels. The Permittee must clarify whether this information is supposed to justify that no human	C	The information provided for human health risk in this report only intended to be a screening of the data collected from the pond for potential risk to humans. No risk to human health was calculated. Details of the potential risk to humans are provided in the reports from which the data is referenced. See also response to Comment 3.	

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			health risk exists or whether the information is strictly background information. If the discussions are intended to represent a human health risk screen, the information is deficient and must be revised.			
15.			There is an inconsistency in the number of surface sediment samples. The report refers to both 34 and 37 samples. The Permittee must explain and resolve this discrepancy.	C	Noted, the number of surface sediment samples will be reviewed and revised as necessary.	
Specific NMED Comments						
1.	ES-1	2	VOCs were not included in the list of analytes even though they were included in the analytical suite. The Permittee must revise the text so that it includes VOCs.	C	Noted, the VOCs will be reviewed and revised as necessary.	
2.	ES-2	2	The report discussed the fact that arsenic was detected above the soil screening level of 3.9 mg/kg. However, there is no discussion of the arsenic levels related to background. It is common to find naturally high levels of arsenic present in soil in this part of the country, and therefore the screening levels are often lower than background. In these cases, site-specific screening levels must be determined. The Permittee must discuss the arsenic levels relative to background.	C	Site specific background data is not available because the site is a constructed waste water pond located in a desert. General regional arsenic information will be included. See also response to Comment 11.	

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3.	1.3.1	1-2	The report discusses the comparison of concentrations in surface water to MCLs. MCLs are useful in guiding corrective action and assessing effectiveness of remediation. However, MCLs are not risk-based numbers but are developed using both toxicity information and industry standards. Therefore, use of MCLs is not an appropriate tool for assessing risk. A more appropriate screening level would be the 20.6.4 NMAC Standards for Interstate and Intrastate Surface Waters.	D	NMACs will be reviewed for applicability. The pond is a constructed wastewater pond in a desert habitat. The water is not an interstate surface water, and therefore the NMAC is not appropriate.	

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4.	2.4.1	2-4	The Permittee indicates that lead present in the groundwater samples is indicative of natural levels. However, no comparison to background levels was conducted. Sufficient justification demonstrating that the lead concentration is representative of natural background levels has not been provided. The Permittee must either provide additional lines of evidence to support this conclusion or revise the report to address potential lead contamination in groundwater.	C	Details on the background levels and natural lead levels in the groundwater are provided in the referenced reports (Remedial Investigation).
5.	2.4.2	2-5	The Permittee must explain why they used EPA Region III screening levels in the evaluation of 4,4-DDT, rather than EPA Region VI or NMED Soil Screening Levels (SSLs).	C	A 4,4-DDT sediment benchmark was not found in the NMED guidance. The Region III benchmark was used as a conservative alternate. The Region 6 benchmark of 0.00119 mg/kg will be substituted.
6.	2.4.5	2-6	Surface water was not addressed in this risk assessment because the 1997 investigation indicated that surface water did not contain elevated concentrations of contaminants. However, the rationale was that concentrations were below reporting limits. This does not provide adequate justification for not conducting additional sampling, as there were several problems with elevated reporting limits compared to screening levels during the investigation. Therefore, while the constituent may have been below the reporting limit, there is no way to determine if the concentration was above a screening level. In addition, there is no discussion of whether the wastewater conditions have remained consistent over time. It is possible that wastewater concentrations vary with time and processes. The exclusion of surface water has not been justified and the risk assessment should be revised to address this exposure medium.	C	The intention of the risk assessment was to look at the potential risk to the birds inhabiting the pond as a result of the presence of the constructed waste water pond. The water in the pond is constantly fluctuating as a result of the waste water discharge to the pond. The intent of the risk assessment is not to assess the risk from the waste water, but to assess the potential for risk from the sediment that may be affected by the historic discharges to the pond. The surface water is and will be wastewater from the military range camp.

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7.	2.4.5	2-6	Several chemicals (5 PCBs, 13 pesticides, and 9 SVOCs) were identified as contaminants of potential ecological concern (COPEC) and were addressed qualitatively. However, Appendix 2, Section 9, which discusses the uncertainties associated with the risk assessment, does not appear to address this issue. The Permittee must clarify where in the report these COPECs are addressed. Also, the Permittee should address this issue in the uncertainties section of the report. The Permittee must revise the text to reflect these changes.	C	The COPECS and uncertainties section will be reviewed and revised as necessary.
8.	2.5.1	2-7	The Permittee must discuss the water quality, flow direction, and hydraulic properties of the shallow aquifer.	C	Details on the ground water beneath the site are provided in the Groundwater Monitoring Suspension Request Report and the 1998 Tetra Tech report along with the previous Remedial Investigation reports. The shallow water bearing unit is not addressed in greater detail because it is not a potential contributor of risk to ecological receptors.
9.	2.5.2	2-8	It is not clear how these restrictions control ecological access. It is assumed that this information is provided to show that human exposures are mitigated through institutional and engineering controls. The Permittee must clarify the purpose of providing this information.	C	Noted, the clarification will be addressed.
10.	2.5.3	2-8	The Permittee statement indicates that water and sediment are confined to the pond. However, various sections in the report (Section 2.2.1 and Appendix 2) reveal that the integrity of the liner of the pond has been compromised. This information appears to contradict this section. The Permittee must explain and resolve this discrepancy.	C	See response to general comment 1.
11.	3.2.1	3-1, 3-2	The discussion of human health risk only addresses a current scenario, and does not address any future or potential scenarios. For example, during dredging of the	C	The future scenario is not evaluated because there is no indication that there will be a change of the present scenario. The Army intends to maintain the use of McGregor Pond as a waste water pond

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			pond or periods when the pond is dry, sediment may migrate off-site via dust re-suspension. Risk assessments must address both current and future scenarios. The Permittee must revise the discussion to address whether there could be any complete exposure pathways in the future, and if so, address potential risks.		indefinitely. If a different scenario is presented by the Army, then the future receptor population could be evaluated for risk based on the estimated future conditions.
12.	3.2.2	3-2	This statement is not clear, as data from the tissue samples were not evaluated. It is assumed that the intent of this information is to show that since the HQs are acceptable, the resulting tissue data would verify this conclusion. The Permittee must clarify the intent of this information.	C	Noted, the statement will be clarified. The statement is intended to show that although initial risk calculations from COPECs indicated the potential for risk was possible, after the application of site specific parameters, and less conservative assumptions the actual risk present is acceptable.
13.	Appendix 1, Table 1		Several comments were noted concerning this table. They are as follows: a. The 2000 residential data from the New Mexico Environment Department's (NMED) 'Technical Background Document for Development of Soil Screening Levels' were applied as soil benchmarks. However, NMED updated these criteria and released the revised document in October 2004. Since the date on Table 1 is February 2005, the updated values must be used in the risk assessment. b. The NMED soil screening level for trivalent chromium was applied. This is the least conservative approach. The Permittee must discuss whether site data indicated that all chromium present was in the form of trivalent chromium. If total chromium data was obtained, then a screening level for total chromium should have been applied. Also, the Permittee must discuss the uncertainty and potential for underestimation of risk if hexavalent chromium could be present at the site.	C	The updated data will be compared to the current data in the table. Total chromium screening values will be applied. The conversions for the region 9 PRGs will be evaluated and corrected where necessary.

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			c. Some of the data presented in the table are extrapolated from the Region 9 Preliminary Remediation Goal (PRG) table. It is noted that beginning with 1,1-biphenyl, the conversion of the data to be based on a 1E-05 risk was not conducted. (The datum for methoxychlor was correctly adjusted.) Thus, Table 1 presents data based on both a 1E-05 and a 1E-06 risk. The Permittee must correct those data obtained from the Region 9 PRG table accordingly.		
14.	Appendix 1, Tables 2-4		The tables (Tables 2 through 4) list the sampling data results. For those data that exceeded the NMED soil screening level, the values were bolded and boxed. However, there does not appear to be any calculation of a 95% upper confidence level (UCL) for each constituent, which would be compared to the screening level and an actual risk estimated. The Permittee must clarify where the actual risk determinations for human receptors were calculated. In addition, the screening levels are an amalgamation of values based on either carcinogenic or noncarcinogenic risk or a saturation limit. It is not clear, since neither Table 1 nor these tables clarifies the corresponding health effect, how the risks were estimated.	C	The data was prepared as an initial screening for human health and is not intended to be a human health risk assessment. No actual risk determinations were calculated for humans.
15.	Appendix 2	ES-1	As noted in previous comments, the use of MCLs cannot be used to screen out contaminants in a risk assessment. The evaluation of surface water constituents should be conducted using appropriate risk-based data.	C	The MCLs will be removed from the ecological risk assessment.
16.	Appendix 2	ES-3	The Permittee indicates that HQs for all chemicals are below one when calculated using LOAEL-based toxicity reference values (TRVs). However, in reviewing Table	C	Comment noted. Raccoon risk evaluations will be reviewed with the application of LOAEL data.

1. Respondent **Concurs (C)**, **Does not concur (D)**, or takes **Exception (E)**.
2. Commenter **Agrees (A)** with response, or **Does not agree (D)** with response.

Comments on
Supplemental RFI Report, SWMU No. 19 McGregor Range Camp Oxidation Pond February 2005)
 COE Contract No. DACA56-02-D-2008, Task Order No. 0001
 McGregor Range Camp Oxidation Pond, Fort Bliss, New Mexico

23 January 2006

Reviewer: John E. Kieling Manager, Permit Management Program NMED

Respondents: Steve Mitchell (Weston Solutions, Inc.); Katie Mittmann (Weston Solutions, Inc.); Andy Kallus (Weston Solutions, Inc.), David Dodge (Weston Solutions, Inc.)

			9-1 of Appendix 2, this is not the case. The HQs for the White-faced Ibis, American Coot, and the Northern Shoveler are greater than one for dibenz(a,h)anthracene. In addition, elevated HQs resulted for the raccoon for vanadium, arsenic, barium, and aluminum (see general comment 12). However, there does not appear to be an estimation of LOAEL-based HQs for the raccoon. The Permittee must provide the evaluation of LOAEL-based TRVs for the raccoon.		
17.	Appendix 2, Sec. 3.3	3-3	The Permittee must identify at which site these 20 samples were collected. Also, the Permittee must discuss how geotechnical analyses of soil at another site relate to the risk assessment and the data quality objectives outlined for this study.	C	The information provided in this section will be removed from the report. The geotechnical sample information is not related to the risk assessment.
18.	Appendix 2, Sec 6.1.1	6-2	Methodologies outlined in EPA guidance (1992) were applied in determining the 95% upper confidence level (UCL) of the mean. The UCL was then applied as the exposure point concentration. However, when the data set showed neither a lognormal nor a normal distribution, the maximum 95% UCL between the UCLs estimated for a lognormal and a normal distribution was used. This approach is incorrect. If the data set did not exhibit a set distribution, then non-parametric statistics should have been used to estimate the UCL (for example bootstrapping). The UCLs should be re-calculated because there is significant concern over the integrity of the values. NMED suggests that the Permittee review the following guidance: "Calculating Upper Confidence Limits for Exposure point Concentrations at Hazardous Waste Sites" OSWER 9285.6-10, December 2002, and the associated ProUCL software, which determines data set distributions, and run appropriate statistical tests.	C	The process followed was intended to result in the most conservative UCL for the COC concentrations in the sediment. The use of the non-parametric UCL is not anticipated to alter the resulting risk analyses.

1. Respondent Concur (C), Does not concur (D), or takes Exception (E).
2. Commenter Agrees (A) with response, or Does not agree (D) with response.

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19.	Appendix 2, Table 7-2	Toxicity information was listed as not available for beryllium. However, the Agency for Toxic Substances and Disease Registry (ASTDR) provides toxicity information for beryllium. A NOAEL of 3.10E+01 mg/kg/day (based on a two-year diet study on rats) is provided. The Permittee must revise the assessment to include toxicity information for beryllium.	C	Noted. The ASTDR data will be reviewed and the appropriate NOAEL will be provided.
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