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Dr. Stanley Meiburg, Regional Director

US EPA REGION 4

61 Forsyth Street, S.W.

Atlanta, GA 30303-8960

Email: meiburg.stan@epa.gov

RE: Open Letter to EPA on the Cabot-Koppers Superfund Feasibility Study (dated 8-31-2009)

Dear Dr. Meiburg:

My name is Joseph S. Prager, and I am the publisher of BANCCA.ORG, the premier website on the health hazards of CCA treated wood. I am writing to you on behalf of our worldwide readers, as well as the citizens of Gainesville, Florida and Alachua County, regarding our concerns about the recently released Cabot Koppers Feasibility Study (FS) and the problems this toxic Superfund site represents to our community which are not addressed in this study. We are concerned about a number of problems we uncovered during our review of this study.

The following 11 points highlight our concerns about this EPA Feasibility Study (FS):

1. The FS takes the Lowest Cost Approach to the Cleanup and Remediation of the Site

The FS tries to take the least cost approach to fixing the Cabot Koppers Superfund site's numerous contamination problems without addressing all of the problems in a holistic and complete manner. The Feasibility Study is a "cheap fix", better designed to maximize Beazer's profits, than to make our community safer. Therefore, it should be renamed the "*The Koppers Half Price Cleanup Plan*". Evidence of this can be seen by turning to page 5 in the Executive Summary section of the Feasibility Study where it states that Remedy Option OnR-5C, "*...can achieve that protectiveness for about 46 percent less cost than the other remedies...*" Yet, several experts testified in public hearings that this very same option (OnR-5c) was a poor and ineffective choice for containment.

2. EPA is not being Transparent and is doing a Poor Job of Communicating with the Public

EPA's Scott Miller commented in a Letter to the City of Gainesville that the EPA did not want to allow a copy of their FS to be available for viewing at our local public library – a violation of the Florida Sunshine Law and Florida Public Records Act statutes.

EPA has no Community Involvement Program as required by CERCLA. There have been few meetings with the public to explain the findings, leaving this burdensome task to our local officials instead. In fact, at the last two public meetings, no EPA staff were present. Nor were EPA scientists/toxicologists available to answer questions from citizens about soil samples or other technical issues.

The Feasibility Study (FS) and related Human Health Risk Assessment (published by AMEC, Beazer East's environmental consultant) are overly complex and lengthy documents that are 400+ pages each, filled with unnecessarily technical jargon, difficult for most ordinary citizens to understand. My favorite example of this is found on page 157 of 423 (p.3-43), where it reads:

“For soils posing an unacceptable risk, managing the potential risk requires addressing the constituent-migration-pathway-receptor-exposure linkage.”

How is the layman supposed to make sense of that obfuscatory statement?

3. Risks to Human Health from Arsenic, Dioxins and other Carcinogens are being Downplayed

Risks to human health are being downplayed in the Human Health Risk Assessment (HHRA), the other 467 page report by AMEC upon which the entire Feasibility Study is based. But, new onsite soil samples, detailed in a report to EPA's Scott Miller dated Sept. 29, 2009, show extremely high levels of toxins, including arsenic, benzo(a) pyrenes (BAPTE), dioxins (TCDD-TEQ), mercury and pentachlorophenol, in the northern portion of the Koppers site that abuts the residential lots along NW 33rd Avenue between NW 4th St and NW 2nd St. **One sample in particular (Sample SS-104AA) shows a dioxin level that exceeds the Florida Residential Soil Cleanup Target Levels for dioxins by 24,377 TIMES!** One could stand on that same spot and throw a rock into the backyard of the nearest residential lot at the intersection of NW 2nd St and NW 33rd Avenue. How can this be ignored?? Yet, the report from AMEC to your own Scott Miller made only passing mention of the sample values.

The HHRA uses models and data that are so “statistically fragile” that a change in any variable would cause the entire result to have to be recalculated and reinterpreted, particularly with regard to the risk to Koppers employees onsite. For example, the present model only accounts for one female Koppers employee, and if more female employees were to work at Koppers, it would no longer be valid. Other questionable assumptions include that the typical Koppers employee only works at Koppers for 6 months (which is hard to believe, yet easy to confirm); that the typical worker is only exposed to the highly toxic areas for at most 2 hours on a given day (does the worker who mows the site stop after 2 hours exposure time?), and so on. Such

compounded “best case” assumptions render this entire HHRA into an exercise in statistical absurdity. If we can so easily find these flaws, why was the HHRA not scrutinized by EPA staff before it became part and parcel of the FS?

4. Offsite Soil Samples are Incomplete and Do Not Meet FDEP or EPA Guidelines

The HHRA & EPA Feasibility Study draw conclusions when the soil samples are not even fully completed yet. Moreover, Beazer’s consultant in some cases, appear to disregard and/or deviate from both Federal and FDEP guidelines for soil sampling using “fuzzy math” and complicated statistical methods, rather than real science and real sample data, while attempting to minimize and downplay the real risk to Koppers workers and Stephen Foster area residents in their HHRA and other correspondence.

a. Soil Sampling is Not Being Done Properly by EPA or FDEP Guidelines

Per EPA and FDEP soil sampling guidelines, “exposure areas” (EAs) in industrial sites can be multiple acres in size, but in residential neighborhoods, an exposure area is defined as 1/4 acre lot, by both EPA and FDEP guidelines. This is not the case with the Koppers site, however.

b. Quality and Quantity of the Soil Samples are Insufficient

There are also questions about the quantity and quality of the soil samples. By EPA Soil Sampling Guidelines published in 1996, 6 *composite* soil samples, each composite sample consisting of 4 mini-samples, for a total of 24 soil samples, are averaged together. More importantly, by FDEP Guidelines, 10 soil samples (not just one) are required for each exposure area, whether industrial or residential, as in the case of ¼ acre residential lots. Instead, AMEC, Beazer’s consultant, has opted to do a hit-and-miss sampling approach that does not even include ONE sample per residential lot in the affected neighborhood lots adjacent to the Koppers site. Multi-acre exposure areas onsite can have as few as 3 samples? Why is this being allowed?

We also have concerns about the depth of the soil samples taken in the residential exposure areas. Soil sampling guidelines published by the EPA recommend 0-1 cm or 0-2 cm sample depths, so that the sample is drawn from the upper soil layer, rather than from subsurface soils (ie. soil depths beyond 3.0 inches). However, the samples taken to date in the Stephen Foster neighborhood, which adjoins the west side of Koppers, are all 0-6 inch samples, thereby diluting the sample contaminants (constituents) by a factor of up to 15 times.

Even the joint Florida Department of Health/ATSDR report entitled, “Health Consultation, Koppers Off-Site Surface Soil” released on July 17, 2009, speaks of the drawbacks of these sampling methods, when it states the following on page 8:

“Depending on depths of soil sampling, data limitations may occur. Typically, the Florida DOH estimates the likelihood of illness from exposures to the top three inches of soil since people are most apt to come into contact with the top layer of soil during daily activities. However, the available soil data at

*Koppers is based on sampling depths of 0-6 inches. **Such depths may have diluted the concentration of contamination.** Therefore, the results may not be representative of typical surface soil. In absence of data based on 0-1 inch samples, Florida DOH cannot be sure of the actual exposure.”*

This statement by the FDOH & ATSDR begs the question, why are we not insisting that AMEC take 0-1 inch samples, which would be more accurate for determining the real health risk to the residents?

5. The Remedies were Selected Before the Testing was Completed

One of the truly illogical aspects of this Feasibility Study is that the conclusions and remedies detailed in the Feasibility Study, and in the companion HHRA, were drawn up and published **before** all of the onsite and most of the offsite soil sampling has even been completed. In addition, there are still ongoing studies of the contaminants present in Springstead Creek and additional stormwater testing is still ongoing and not yet complete. So, AMEC, Beazer’s consultant, appears to have been directed to finish their HHRA and this FS before all the data was finalized. This means that both of these two reports are based on numerous assumptions, (as the reports do explain), and not on complete data or facts.

Had these same two reports been created 1 or 2 years hence, they might draw completely different conclusions about both human health risks and remediation options. Just one example of this is the September 29, 2009 report from AMEC to EPA with the results from 3 samples from the “Northern Inactive Area” of the Koppers site. Koppers and Beazer had previously claimed that this same area did not need any sampling taken, as it had never been used by Koppers for operations, but the samples showed **some of the highest contamination levels on the entire Koppers site, including one sample (SS-104AA) that had dioxin (TCDD-TEQ) levels that were 24,377 times higher than the Florida SCTL of 7 ppt.** Yet this part of the property adjoins residences that lie along SW 33rd Avenue, whose “receptors” have likely been exposed to these toxins for decades!

These new samples have now triggered the need for five (5) more onsite soil samples along the northern perimeter of the Koppers property, which in turn could possibly reveal other high levels of contamination in the backyards of the residential lots along the south side of NW 33rd Avenue, which adjoin the Koppers property. So, why did AMEC rush to press with these two studies, when onsite and offsite soil samples were not yet completed, and the spread of contamination into adjacent residential properties has not yet been fully determined? And how could they come to any kind of conclusions about which remedy to select, before all the facts are in?

Instead, Beazer’s consultant has attempted to substitute complex statistical risk models, such as MEE analyses, rather than relying on real scientific data, to draw conclusions about risks to human health, both for Koppers employees and for nearby residents. This “rush to judgment paradigm” leaves most knowledgeable parties doubting any of the conclusions put forward in these reports.

6. The FS Does Not Require Epidemiological Studies or Biological Testing of Residents

The FS fails to address the issue of epidemiological studies and biological testing for residents who live in the neighborhood next to Koppers and have long been exposed to contaminant constituents from the toxic dust that blows offsite, as well as the contaminated stormwater that leaves the site and flows into Springstead Creek. These residents, who are referred to as “receptors” throughout the FS report, and who have been exposed to these toxic, carcinogenic, mutagenic and teratogenic compounds for decades, report many accounts of multiple cancers within the same household, cancer “clusters” within the neighborhood itself, mysterious pet cancers and premature deaths, and other health issues, such as MS, Parkinsons and thyroid problems. As EPA scientists well know, many of these health problems can be caused or triggered by exposure to toxic compounds, such as dioxins, arsenic, penta-chlorophenol, benzo(a)pyrenes, hexavalent chromium and mercury, all of which are found on the Koppers site, and many of which can be found in the offsite soils and stormwater.

7. The FS Ignores the Issue of Stormwater Pollution

The FS makes no effort to address the issue of stormwater pollution/contamination. At present, samples of stormwater leaving the Koppers site from 2007 have shown readings of arsenic and copper that exceed their permit thresholds by 8 times and 18 times respectively. This contaminated stormwater flows into Springstead Creek, and then into Hogtown Creek and eventually into our aquifer, all in violation of the Clean Water Act, yet the FS, and the EPA for that matter, fail to address this problem.

Instead, the preferred remedy for the site, OnR-5C, which is an impervious cap/cover over the eastern 40% of the site, would increase the stormwater flow across the site to where a 9 acre retention pond, which is not detailed in the FS, would be required! Again, as stated earlier, while this may cut the price in half for Beazers, it does little to nothing to reduce stormwater pollution and offsite contamination. It is a desktop engineer’s half-baked half-price scenario that only worsens the stormwater problem! Why weren’t stormwater issues addressed properly?

8. The FS Recommends an Unproven Slurry Wall, Rather than Removal of the Contaminants

The bentonite clay slurry wall recommended in the FS report is not a proven containment method. It might work, but it might not, especially since Beazer selected the lowest cost scenario for the slurry wall option. If it fails - and many think it will - we can expect more underground contamination that could go undetected for several years, while it spreads even further into our drinking water aquifer, causing more widespread and costly contamination.

Yet, the FS gives little to no consideration to excavating the contaminated soil in situ and removing it via a rail line that feeds directly into the center of the property! Surely, if the contaminated soil can be scooped up, removed and loaded right onto a rail car and hauled directly by train to a hazardous waste disposal facility, this would be a safer, more efficient

and cost effective option. Why was this not considered?

9. The FS Fails to Address Air Quality Monitoring

Air quality monitoring is not addressed in the FS or the HHRA, but should have been an important part of both documents. In fact, the air quality monitoring should have taken place BEFORE either the FS or HHRA were written, so that the data could have been incorporated into these two reports. A letter dated July 2, 2009 from Randy Merchant of the Florida DEP to Scott Miller of EPA recommended air monitoring and added the following:

“One human exposure pathway that has not been fully assessed is inhalation of contaminated dust from the site. Nearby residents, especially those west of the site, report wind-blown dust. Findings of decreasing concentrations of arsenic, benzo(a)pyrene, and dioxins in residential surface soil as you move away from the site support this assertion.”

More to the point - neither AMEC, Beazer, EPA, FDEP, or ACEPD has done any air quality monitoring to date, and there is no plan to do air quality monitoring at this time. Yet, there are photographs of clouds of dust from the Koppers site, and this dust is likely to contain particulates consisting of chromated copper arsenate (CCA), benzo(a)pyrenes, dioxins, pentachlorophenol or other toxic, carcinogenic, teratogenic and mutagenic chemical compounds. No one has documented the risk of this inhalational exposure on a daily basis, especially to children, pregnant women and those with respiratory disorders.

10. No Plan to Relocate Residents, Compensate for Losses, & Pay for Biological and Medical Testing

The FS makes no mention of a concrete plan to relocate the residents and compensate them for their losses, even though the value of their properties have plummeted to nearly zero after the recent announcement of contaminated offsite soils by the Florida DOH and the ATSDR. Neither is there any plan to provide for medical testing, or compensation for pain and suffering for the affected residents.

The residents have strongly voiced that they want biological testing, which would typically include taking samples of blood, tissue, hair, toenails, etc., to test for the presence of known contaminants they have been exposed to over the years. They also want the attic dust in their homes and in nearby schools tested for these same contaminants.

This same testing has been done in a number of other similar Superfund site locations, including Somerville, TX and Pensacola, FL. Residents and children of Gainesville do not deserve any less than what was provided for these other communities. We deserve the same or better!

11. Close it Down and Clean It Up!

The FS does not call for the closure of the Koppers facility, yet it would be virtually impossible to fix the problems detailed without closing the facility. This is why the rallying cry of the local residents has become, “Close it Down and Clean it Up!” Why has the EPA resisted doing this

very thing for almost 3 decades? Who benefits from the continued onsite operations while cleanup and remedial costs rise each year? Certainly not the taxpayers; certainly not the residents, and certainly not our air, soils or water supply.

In conclusion, we reject in its entirety the EPA's Feasibility Study and its companion Health and Human Risk Assessment. These two AMEC-penned and Beazer-sponsored reports don't just fall short, they are completely insufficient. Or, as the editor of the Gainesville Sun put it recently, "*The Joke is on Us*". But, we are not laughing – instead, we are demanding that this site be closed, cleaned up now, and cleaned up right. EPA and Beazer East have had over 26 years to get this site cleaned up. It's time to "Close it Down and Clean it Up!"

Sincerely,

Joseph S. Prager, Publisher
BANCCA.ORG, LLC