

Protect Gainesville's Citizens, Inc.

protectgainesville.org

April 28, 2010

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Protect Gainesville Citizens, Inc. is in the final stages of completing the EPA's Technical Assistance Grant application process. It is our goal to advocate and strengthen meaningful community participation during the Cabot / Koppers Superfund cleanup process. We have been reviewing the EPA's documents on community involvement in developing our process. Selected portions of two of these documents are attached that highlight CERCLA requirements for the Community Involvement Plan, Information Repository, and Administrative Record File.

Community Involvement Plan –

We appreciate that EPA/FDEP have attended a number of city/county commission meetings. However, we have not been able to locate a formal CIP which is required. This would help the community better understand the process and set expectations for involvement in the process. Please make a copy of this plan available to us. We would be happy to provide input and discuss further.

Administrative Record File and Information Repository

The EPA document “Final Guidance on Administrative Records for Selecting CERCLA Response Actions

OSWER DIRECTIVE #9833.3A-1 DEC 3 1990” (Selected pages attached) states that an Administrative Record File is the ongoing collection of documents which are anticipated to constitute the administrative record when the selection of response action is made. It should be available, indexed and updated as relevant documents on the response action are generated or received.

Protect Gainesville's Citizens, Inc., 802 W University Ave., Gainesville, FL 32601, info@protectgainesville.org

Mission: *Protect Gainesville's Citizens' mission is to provide Gainesville Area citizens with accurate and comprehensible information about the Cabot/Koppers Superfund site. Through analytical research, outreach education, and community participation, Gainesville citizens will have an active voice in the Cabot/Koppers Superfund site cleanup process.*

The Information Repository for the Koppers Site has been the Alachua County Library. Nothing has been added to the physical repository since 2003. We appreciate that ACEPD has established an electronic document library, however, it is unclear if it is complete as it is not indexed/organized in a way that will facilitate review by a Technical Advisor hired to review this information.

The upcoming schedule is very aggressive. Numerous documents have been generated dealing with specific issues, such that it may be challenging to integrate and understand how these lead to the current understanding of site conditions.

Therefore, we request as soon as possible:

- A copy of the Administrative Record File, indexed with the complete list of documents
- An update of the Information Repository at the public library ASAP.
- All documents be posted in an universally accessible format such as .pdf. This includes e-mail communications that are currently posted in Microsoft Outlook format.
- A secondary location of a repository to be held at Protect Gainesville's Citizens office & meeting space donated by Wild Iris Books (See attached guidance) with hard copies of critical documents to facilitate review by TAG recipients and Technical Advisors.
- A database of the data (compiled from the numerous reports) that represents the analytical results considered representative of current site conditions.

We are looking forward to your support as we develop our community input processes and get started with the Technical Assistance Grant.

Sincerely,

Cheryl Krauth Digitally signed by Cheryl Krauth
DN: cn=Cheryl Krauth, c=US, email=cheryl@zenbuttercotch.com
Reason: Authorized Representative Protect Gainesville's Citizens,
Inc.
Date: 2010.04.28 18:44:14 -04'00'

Kaya Ideker, Director

Cheryl Krauth, Director

Erica Merrell, Grant Administrator, Director

Site Activity	Minimum Requirement(s)	Source(s)
Remedial Actions		
NPL Additions		
Publication of Proposed Rule and Public Comment Period	EPA must publish the proposed rule in the <i>Federal Register</i> and seek comments through a public comment period.	NCP 40 C.F.R. 300.425(d)(5)(i)
Publication of Final Rule and Response to Comments	EPA must publish the final rule in the <i>Federal Register</i> and respond to significant comments and significant new data submitted during the comment period.	NCP 40 C.F.R. 300.425(d)(5)(i)
Prior to Remedial Investigation (RI):		
Community Interviews	The lead agency must conduct interviews with local officials, public interest groups, and community members to solicit their concerns and information needs and to learn how and when people would like to be involved in the Superfund process.	NCP 40 C.F.R. 300.430(c)(2)(i)
Community Involvement Plan (CIP)	Before commencing field work for the remedial investigation, the lead agency must develop and approve a complete CIP, based on community interviews and other relevant information, specifying the community involvement activities that the lead agency expects to undertake during the remedial response.	NCP 40 C.F.R. 300.430(c)(2)(ii) (A-C)
Information Repository	The lead agency must establish at least one information repository at or near the location of the response action. Each information repository should contain a copy of items developed, received, published, or made available to the public, including information that describes the Technical Assistance Grant application process. The lead agency must make these items available for public inspection and copying and must inform interested citizens of the establishment of the information repository.	CERCLA 117(d) NCP 40 C.F.R. 300.430(c)(2)(iii)



Although the release of near final documents may speed the dissemination of information to the public, Regions are strongly urged to emphasize the non-final status of the document.

In addition to timely sharing of site documents with the public, Superfund is committed to equal access to information for both PRPs and citizens. Regions should routinely ensure that PRPs and citizens can access the same documents at the same stages of the cleanup, except where "enforcement sensitive" information precludes such disclosure. Unless the information clearly jeopardizes ongoing negotiations with PRPs, it should be equally available to all parties.

6. Expand Site Mailing Lists. One of the most cost-effective methods of providing Superfund site communities with information is through mailings. The incremental cost of distributing site fact sheets to a greater number of community residents is extremely small, because the greatest portion of costs is associated with writing and preparing a fact sheet. Therefore, some Regions have pursued ways of expanding site mailing lists, beyond just those citizens who have expressed an interest in the site. Specifically, EPA has utilized community groups and local agencies to send out EPA fact sheets as part of their regular mailings. Also, these and other groups have offered to include information on the Superfund site in their regular newsletters.

7. Make Information Repositories User-friendly. Regions should make the large quantities of information contained in repositories as accessible as possible. For example, Regions can conduct site visits and request public input regarding the location of information repositories, as well as set up secondary locations at the request of citizens. These can be done as part of an ongoing effort to establish and maintain complete, convenient information repositories. In addition, Regions also can offer TAG recipients the convenience of being a secondary location of a repository. This provides easy access to the repository for a group that is likely to use it frequently. Finally, Regions should monitor the repository periodically to ensure that it is in order and complete, as well as label file cabinets, book shelves and binders with "EPA" stickers to clearly designate them as Superfund site documents.

Conclusion: Making documents available to the public throughout the cleanup process and discussing site findings and decisions as they are developed will more fully involve citizens in the cleanup process and ensure two way communication between Superfund staff and local communities. Using the recommendations

Final Guidance on Administrative Records for Selecting CERCLA Response Actions
OSWER DIRECTIVE #9833.3A-1 DEC 3 1990

As stated on Page 32:

Administrative Record: as used in this guidance, the body of documents that were considered or relied on which form the basis for the selection of a response action.

Administrative Record File: as used in this guidance, the ongoing collection of documents which are anticipated to constitute the administrative record when the selection of response action is made.

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C. Compilation

The administrative record file should be compiled as relevant documents on the response action are generated or received. Thus, all documents which are clearly relevant and non-privileged should be placed in the record file, entered into the index, and made available to the public as soon as possible. For example, the remedial investigation/feasibility study (RI/FS) work plan, summaries of quality assured data, the RI/FS released for public comment, the proposed plan, and any public comments received on the RI/FS and proposed plan should be placed in the record file as soon as they are generated or received.

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D. Index

Each administrative record file must be indexed. The index plays a key role in enabling both lead agency staff and members of the public to help locate and retrieve documents included in the record file. In addition, the index can be used for public information purposes or identifying documents located elsewhere, such as those included in the compendium of guidance documents (see Appendix E). The index also serves as an overview of the history of the response action at the site.

Section 113(k) of CERCLA specifies that the administrative record "shall be available to the public." In satisfying this provision, the lead agency must comply with all relevant public participation procedures outlined in Sections 113(k) and 117 of CERCLA. The NCP (see Appendices L and M) contains additional requirements on public availability (see also "Community Relations in Superfund: A Handbook, "October 1988 - OSWER Directive No. 9230.0-3A; "Community Relations During Enforcement Activities," November 3, 1988 - OSWER Directive No. 9836.0-1A).

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The administrative record file for a remedial action must be available for public inspection when the remedial investigation begins. For example, when the remedial investigation/feasibility study (RI/FS) work plan is approved, the lead agency must place documents relevant to the selection of the remedy generated up to that point in the record file. Documents generally

available at that time include the preliminary assessment (PA), the site investigation (SI), the RI work plan, inspection reports, sampling data, and the community relations plan. **The lead agency must continue to add documents to the record file periodically after they are generated or received during the RI/FS process.**

The record file must be publicly available both at a regional office or other central location and at or near the site (see section II.E. at page 8).