



Office of the City Manager

PO Box 490, Station 6
Gainesville, FL 32602-0490
(352) 334-5010
(352) 334-3119 (fax)
www.cityofgainesville.org

June 8, 2010

Mr. Scott Miller, Remedial Project Manager
United States Environmental Protection Agency
Region IV, Superfund North Florida Section
61 Forsyth Street, SW
Atlanta, Georgia 30303

RE: Key Issues of Concern for National Remedy Review Board Consideration Concerning
Offsite and Onsite Soil Remedies at Koppers Superfund Site, Gainesville, Florida

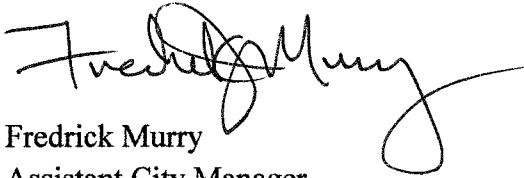
Dear Mr. Miller,

The City of Gainesville (City) and the Alachua County Environmental Protection Department (ACEPD) are submitting for consideration by the National Remedy Review Board (NRRB) the attached brief summary of issues of concern relative to the Human Health Risk Assessment (HHRA)(dated May 26,2010) and the proposed on-site and offsite soil remedial alternatives as presented in the Final Feasibility Study(FS) for the Koppers Superfund site(dated May 2010). We request that this summary be transmitted to the NRRB prior to the start of their deliberations and review of USEPA's proposed remedy for the Koppers Superfund site.

The City has made a substantial investment to acquire technical expertise in risk assessment and the Superfund process to review the draft FS and HHRA. The City and ACEPD have provided USEPA with detailed and substantial input directed toward the goal of having a final offsite and on-site soil remedy that provides the maximum degree of protection for neighboring residents and future on-site workers, maximizes the on-site land use flexibility, follows USEPA risk assessment guidance and provides clear clean-up criteria to be utilized for offsite and on-site soils. Unfortunately, we believe that the Final FS and HHRA which are the basis for USEPA's proposed remedy for on-site and offsite soils fail to meet these goals and do not appear to be an acceptable basis for selection of the final remedy. The Florida Department of Environmental Protection (FDEP) has also rejected the technical conclusions of the HHRA. The final FS and the HHRA contain excessively vague risk assessment language, lack clear and transparent performance metrics, provide insufficient evaluation of remedial alternatives for soils and inconsistently apply USEPA risk guidance.

Thank you for your consideration in this matter. If you need to discuss this in more detail please call me at 352-334-5010.

Sincerely,

A handwritten signature in black ink, appearing to read "Fredrick Murry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Fredrick Murry
Assistant City Manager

Cc:

Honorable Mayor and City Commissioners

Russ Blackburn, City Manager

Marion Radson, City Attorney

Bob Hunzinger, GRU General Manager

Rick Drummond, Assistant County Manager

Chris Bird, ACEPD Director

Rick Hutton, GRU W/W Supervising Engineer

Stu Pearson, City Engineering Manager

Dr. John Mousa, ACEPD Pollution Prevention Manager

Dr. Pat Cline

City of Gainesville and ACEPD Comments to the National Remedy Review Board
Koppers Site, Gainesville, Florida - June 4, 2010

A. Offsite Soils Issues

The FS states the following regarding off-site soils:

*Collection of data for constituents in off-Site soil is still ongoing, and the process used to determine whether constituent concentrations may pose an unacceptable human health risk has not been finalized. Once the areas with concentrations exceeding default SCTLs are delineated, one approach that **may be utilized to address the potential risks to current and future receptors will be to use risk assessment methods such as those utilized for on-Site soils (AMEC, 2009c). This delineation and assessment process would define whether off-Site areas pose any unacceptable risk assuming Florida's allowable risk limit (i.e. potential excess lifetime cancer risk greater than one in one million) and what areas may require remedial action, if any. Another approach which may be utilized is to compare sample results to default SCTLs and to require remedial action where soil sampling results show exceedences of the default SCTLs.***

It is premature to present a proposed plan that does not clarify the remedial goals so that the review board and the public can appropriately comment on the extent of the remedial action

- The NRRB should be aware that a background study was done in which 18 samples were collected from four similar neighborhoods in Gainesville. Dioxin concentrations were below detection limits in all of these samples, clearly different from the homes west of the Koppers site.
- The risk assessment has not been accepted and has technical issues that must be addressed.
- There are no assumptions related to default residential exposures provided in the AMEC, 2009c report (currently replaced by the May 26, 2010 risk assessment). Therefore, it is unclear what assumptions would be used and how these may vary from current standard assumptions for the "reasonable maximum exposure" that is used for risk management decisions for residential properties. This approach does not allow honest dialogue about the decision, and is inconsistent with EPA's policy with respect to transparency.
- Stating a remedy will meet 1E-6 is not adequate. It must be tied to specific assumptions. For probabilistic risk assessment, it must also specify the risk managers' decisions with respect to the percentile of the risk distribution used for the comparison.
- To be more transparent, a remedial goal should be specified consistent with approaches recommended in guidance (RAGS VIII, Part A).
- There is a defined SCTL for residential soils calculated for 1E-6 risk level. Having no unique information on exposures, a probabilistic risk assessment that states an alternate higher concentration meets 1E-6 would be unacceptable.

Conclusion: Vague risk assessment language is not acceptable. We support the use of FDEP SCTLs and expedited efforts to complete the delineation.

B. Onsite Surface Soil Remedy Issues

The current feasibility study states:

In summary, the potential components of the final grading and covering plan may include (but will not be limited to) one or more of the following:

- *Excavation only (leaving low-concentration surface soil behind);*
- *Excavation with a two-foot soil cover;....*

In the absence of clear and transparent performance metrics and decision process, it is not possible to judge the protectiveness of the assumptions in the cost estimates for these components, and leaves it open to arbitrarily omitting components we consider important in the remedy. There are three major problems related to being able to consider the extent of the soil action required to meet threshold criteria:

1. Clear and transparent metrics for defining protectiveness for direct contact exposures.

- Remedial goals for direct contact exposures are not defined.
 - What does “*leaving low-concentration surface soil behind*” mean?
 - How would we define “*Monitoring for soil may include confirmation sampling done to demonstrate removal of the soil with elevated concentrations*”
- As with off-site soils, stating the remedy will be completed until soil concentrations are below 1E-6 is not sufficient. As it now stands, this could range from no action to actions over most of the site. If a probabilistic risk assessment were to be used to develop one alternative for the surface soil remedy, the remedial goals should
 - Be derived as discussed in guidance (RAGS VIII, Part A), with specific numerical remedial goals identified.
 - State the specific application of these (e.g. average over exposure units, not to exceed values, percentile of the risk distribution)
- Using the entire site as a single exposure unit is not an acceptable. In the previous risk assessment the site was divided into 6 areas, and with uncertainty in the precise use of the property, smaller areas would be appropriate – with the ability for the RPM to state “acres ready for reuse”.

Conclusion: The fastest, most transparent and preferred approach is to define the soil criteria outside source areas as the Florida SCTLs. A request was made to explicitly include this as an alternative so that the extent of the soil remedy using this metric could be evaluated. If an alternate approach would be also evaluated, it needed to be explicit and defensible.

2. The remedy is not clear on use of excavation versus cover

- One goal of the community is to maximize the area that would be protective for future commercial uses with the fewest constraints on development.

- The local community has a preference for excavation versus cover for areas with surface contamination and no defined specific reuse that incorporates institutional controls.
- The FS, as the basis for a proposed plan, does not identify areas where excavation of soils could result in an area where no institutional controls would be needed for future commercial development (as would occur with a 2 foot cover).
 - The subsurface soil concentrations are not presented that allow for that evaluation.
 - Vertical delineation is not completed in many areas. This should not be considered as a reason to simply use a cover.
- Placing a cover over contaminated soils would not only discourage commercial development that would require disturbing the cover (building foundations, utilities, etc.) but would also require explicit evaluation of the vapor intrusion pathway.

Conclusion: We recognize there could be some flexibility if a specific area were to be developed and incorporate institutional controls. In lieu of that, the FS/proposed plan should evaluate and state clearly that excavation is preferred over a soil cover to meet the remedial goals outside the source area, and define areas where this would be achievable.

3. Leachability

- Specific leachability criteria have been previously identified for this site, and there are existing SCTLs for this pathway.
- Statements that suggest this is not an issue are based on a 2007 soil data summary (no criteria included) and a 2007 groundwater report. No explicit comparison has been made showing where surface and subsurface samples exceed leaching criteria, and whether shallow wells are located in these areas.
- To state “*A more formal assessment of leaching potential (including development of alternative leachability-based SCTLs using Site data) is ongoing and should be factored into remedy selection and design.*” Is vague and makes it impossible to evaluate protectiveness and extent of remedial action required.

Conclusion: This FS/proposed plan should have identified areas where soils need to be addressed to be protective for the leaching pathway. Remedial goals should be stated.