

From: [Helton, Kelsey](#)
To: "[Miller, Scott](#)"; "Kestle.Rusty@epa.gov"
Cc: [Helton, Kelsey](#); [John Mousa](#); "[Hutton, Richard H](#)"; Mitch.Brouman@TRMI.Biz; "[Council, Greg](#)"; [Miller, Randy J.](#)
Subject: FW: DEP Review of Beazer Institutional Control Implementation and Assurance Plan: Cabot Carbon/Koppers Superfund Site
Date: Monday, November 18, 2013 2:08:43 PM

Scott/Rusty-

Thank you for the opportunity to review the August 23, 2013 Version 1, Institutional Control Implementation and Assurance Plan and to discuss that Plan in the October 30, 2013 conference call with EPA and Site representatives and stakeholders.

Overall, the Plan outlines an approach for implementation of onsite and offsite institutional controls (ICs) for Koppers related contamination at the Cabot Carbon/Koppers Superfund site that is consistent with State regulations and the DEP June 2012 IC guidance.

Onsite:

The IC Plan proposes to use a restrictive covenant which will place land use restrictions on the former Koppers facility property to ensure the protectiveness and integrity of the remedy consistent with ROD. Use of a restrictive covenant is acceptable to DEP as the onsite IC instrument. Proposed restrictions include prohibiting land use that could result in exposure of occupants to soil contaminants above applicable regulatory criteria (including construction, property development and soil disturbance activities); prohibiting use of groundwater for drinking water; and a requirement for regulatory approval of any proposed construction and soil management plans prior to implementation. As noted in the Plan, future development may be possible for a variety of land uses, provided that the proposed land use is compatible with site risk management levels and engineering controls established during the remedial action including required soil covers.

Offsite:

Restrictions on groundwater use offsite (off-Property) are proposed to be implemented using existing State and local regulations as interim ICs until groundwater cleanup target levels for unrestricted use are met, in accordance with the ROD. Such regulations include Chapter 62-524 (delineated areas), Chapter 355 Alachua County Ordinance (Murphree Wellfield Management Code), City of Gainesville code requiring wellfield protection or special use permits, and the City code Section 30-207 (special environmental concern area). These regulations generally prohibit withdrawal and use of groundwater and limit well drilling within contaminated areas and are acceptable for use as interim institutional controls, until the groundwater cleanup target levels are met. As noted in the Plan, the current Superfund remedy specifies that groundwater meet groundwater cleanup goals at all affected offsite areas, such that offsite engineering controls or permanent offsite institutional controls are not anticipated. The Plan also proposes to apply proprietary controls in the form of restrictive covenants offsite where such controls would achieve remedial goals by preventing groundwater use (we interpret this to mean in lieu of meeting groundwater cleanup target levels), with the property owners consent. Please refer to Chapter 62-

780.680(3) for criteria that must be met under this risk assessment option, including a demonstration that the plume is stable or shrinking, that groundwater use is not occurring, and that the limits of the plume are within the institutional control boundary.

Currently the ROD calls for removal of offsite contaminated soils above SCTLs for unrestricted use. The option to apply commercial-SCTLs consistent with a parcel land use is available as noted in the ROD. Beazer has indicated that no such parcels have been proposed to date. The Plan proposes to use a restrictive covenant to appropriately limit land use activities where commercial-SCTLs are applied or where engineering controls are utilized to address direct contact, if agreed by the property owner. That approach is acceptable to DEP and consistent with Chapter 62-780, FAC.

We understand that a draft proprietary control pkg will be submitted to EPA and FDEP for review for each parcel that is identified as requiring restrictions. Please refer to the DEP June 2012 IC guidance for recommended language and the supporting documentation required for a restrictive covenant. Note that for those parcels that employ an engineering control such as a soil or other cover, an engineering control maintenance plan (ECMP) is attached to the instrument to ensure the continued integrity of that control. We anticipate that the restrictive covenant and ECMP will identify who will perform the inspections, maintenance and corrective actions that may be necessary for the integrity of the engineering control. As shown in the draft onsite restrictive covenant in Appendix F of the EPA RD/RA consent decree, DEP will serve as the Grantee and sign the restrictive covenant with EPA as a third party beneficiary.

We look forward to review and execution of the applicable institutional control instruments.

Kelsey

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From: Council, Greg [<mailto:Greg.Council@tetrattech.com>]
Sent: Friday, August 23, 2013 10:55 PM
To: Kestle, Rusty (Kestle.Rusty@epa.gov); Miller, Scott
Cc: hill.franklin@epa.gov; painter.paula@epa.gov; Helton, Kelsey; Mitch.Brouman@TRMI.Biz; Donna Kopach (donna.kopach@trmi.biz)
Subject: Beazer Institutional Control Implementation and Assurance Plan: Cabot/Koppers Site

Dear Mr. Kestle and Mr. Miller,

On behalf of Beazer East, Inc. (Beazer), Tetra Tech has prepared the attached Institutional Control Implementation and Assurance Plan (ICIAP) for the Cabot/Koppers Superfund Site in Gainesville, Alachua County, Florida.

In accordance with Paragraphs 26, 27 and 28 of the July 9, 2013, Consent Decree for Remedial

Design (RD) and Remedial Action (RA) between Beazer and the US Government, this ICIAP identifies a process and schedule by which institutional controls (ICs), including proprietary controls in the form of restrictive covenants, will be made effective and maintained. ICs are one component of the overall Site remedy as defined in the February 2011 Amended Record of Decision (ROD) for the Site which is Appendix A of the Consent Decree.

This plan is submitted for your review and approval.

This [submittal is also posted](#) to the Tetra Tech RD/RA Submittals SharePoint Site at:

A Submittals : 700 Institutional Controls : 2013-08-23 ICIAP V1.pdf

Thank you,
Greg

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