

From: Miller.Scott@epamail.epa.gov
To: [Pat Cline](#)
Cc: [John Mousa](#); ["Helton, Kelsey"](#); ["Murry, Fredrick J."](#)
Subject: Re: Clarification on Cover/Excavate
Date: Wednesday, May 19, 2010 6:57:40 AM

Pat,
Thank you for the clarification. Will be in contact in the near future related to this item.
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From: "Pat Cline" <pcline@ufl.edu>
To: ""Helton, Kelsey"" <Kelsey.Helton@dep.state.fl.us>, Scott Miller/R4/USEPA/US@EPA
Cc: ""Murry, Fredrick J."" <murryfj@cityofgainesville.org>, ""John Mousa"" <jjm@alachuacounty.us>
Date: 05/18/2010 03:07 PM
Subject: Clarification on Cover/Excavate

I wanted to clarify my comment related to use of a cover vs excavation in areas where that is feasible. Engineering controls and restrictions will be needed in source areas – and this will determine what types of future activities may take place in those areas. Outside the source area, where it is assumed the contamination is more surficial, remedy selection should be based on maximizing the area that is “ready-for-reuse” for commercial activities.

The following are Excerpts from 62-780

These various decision points include the scope and methodology of the site assessment, applicable exposure factors, the remedial strategy for the site, and risk management options based on the current and reasonable, ascertainable future land uses at the site.

RAO Level II states: A No Further Action with institutional controls and, if appropriate, engineering controls shall apply if the controls are protective of human health, public safety, and the environment and are agreed to by the current real property owner(s) of the source property subject to the institutional or engineering controls.

The exposure unit shall reflect normal activity patterns for the existing land use, with supporting institutional controls if the exposure unit exceeds 1/4 acre.

The existing land use is no longer relevant. The decision must consider realistically whether the remedy is likely to be protective for some period of time i.e. for the reasonable future use (commercial/industrial).

A remedy with 2 feet of cover over surficial contaminated soil severely limits future development (construction of a building,) that would reasonably be assumed to occur since the land use is "commercial/industrial". If the PRP agrees to institutional controls necessary to protect a cover over areas that could reasonably be excavated, it is inferring to the community that these areas are not expected to be developed.

I realize development could be done (outside of superfund obligations). However, where excavation is feasible, it is not only more cost effective to do it during remedy implementation, it better reflects the intent of FDEP and EPA in selection of a remedy that supports the future land use assumption – and is not totally a decision that is at the discretion of the property owner.

My hope is that the proposed plan clearly distinguishes areas where a cap is essential and defines soil cleanup levels that pose the fewest limitations on future commercial uses in other areas.

My apologies for the phone discussion – sometimes it is difficult to be clear on a conference call. Please let me know if I have misstated my understanding of the rule.

Thanks

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