

## West Anniston Foundation

### **Operable Unit-1/OU-2 Consent Decree (CD)**

On June 7, 2016, the West Anniston Foundation (WAF) conducted an open Focus Group Meeting for the residents in the Anniston, Alabama PCB Site. The meeting started at 6:00pm and was moderated by Mr. Bertrand Thomas, P.G., of Econo Energy Consultants, Inc. The meeting was also attended by Mr. John Loper from Solutia, Inc. Absent from the meeting were representatives from Environmental Protection Agency (EPA), they were attending a meeting on EPA's OU-1/OU-2 Remedial Alternatives.

The meeting was an open forum discussion, and there were seventy three (73) citizens present at the meeting. The TA stated that Solutia has done an excellent job in protecting the citizens from coming in contact with PCBs on their properties under the NTC Agreement. The TA also explained **Preliminary Remediation Goal (PRGs)**: PRG is the clean-up level that the EPA has determined to be the protection of human Health and the environment. It is based on The Remedial Investigation, Agency for Toxic Substances and Disease Registry (ATSDR), Toxic Substance Control Act (TSCA), Food and Drug Agency (FDA), the contaminant, Mode of Transport, Community Activities, etc.

- One of the main factors in determining PRGs is the Cancer Risk =  $1 \times 10^{-6}$
- **This means one person out of a million may develop cancer from being exposed to a chemical or chemicals.**
- **While  $1 \times 10^{-4}$  means: One in Ten Thousand people may develop cancer.**
- **In the report you will see a number and a unit: example**

10 mg/kg = 10ppm (means the same)

#### **Citizen Concerns - Open Forum**

The TA opened the meeting with a discussion on the EPA's Remedial Alternative on Residential Properties. The TA stated that we should remove the line that separates us and be able to set down and discuss the problem that we are faced with. The EPA discussions for Residential Soils were as follows:

#### **Residential Soils**

The EPA comparative analysis of: the Remedial Alternatives is to address the residual PCBs in residential soils; to address citizens who were denied access for the remediation of their property; to address citizens who own property with overgrown vegetation and has PCB in soil concentrations between 1ppm and 10ppm; and to address citizens who have property with overgrown vegetation less than 1ppm of PCBs in soil. Residential Property with PCBs concentrations 1ppm to 10ppm is to remove the top 12 inches of soils and replace with 12 inches of clean fill on property. This action would leave behind Hot Pots with concentration above 1ppm.

The EPA's Remedial Alternative is to adopt the NTC Agreement. Excluding alternative number one, the no action alternative, which is a required alternative in all remediation projects, the EPA's risk alternative is to meet the preliminary remediation goal (PRG) for Residential Soil and to:

2. Excavation and On-Site/Off-Site disposal of residential Soils with surface Soil PCB concentrations  $\geq 1$  ppm and Subsurface soil PCB concentrations  $\geq 10$  ppm and Soil Management. (Part of Remedial Alternative: Additional removal actions would be implemented for properties if access is granted or if overgrown conditions change. Soil generated during additional removal may be disposed of on-site in the south staging and soil management area (SSSMA) provide that the PCBs concentration results from the five-point composite samples collected for the property are  $< 10$  ppm). Figure 2 Depicts Residential Property After NTC Agreement Clean-up.

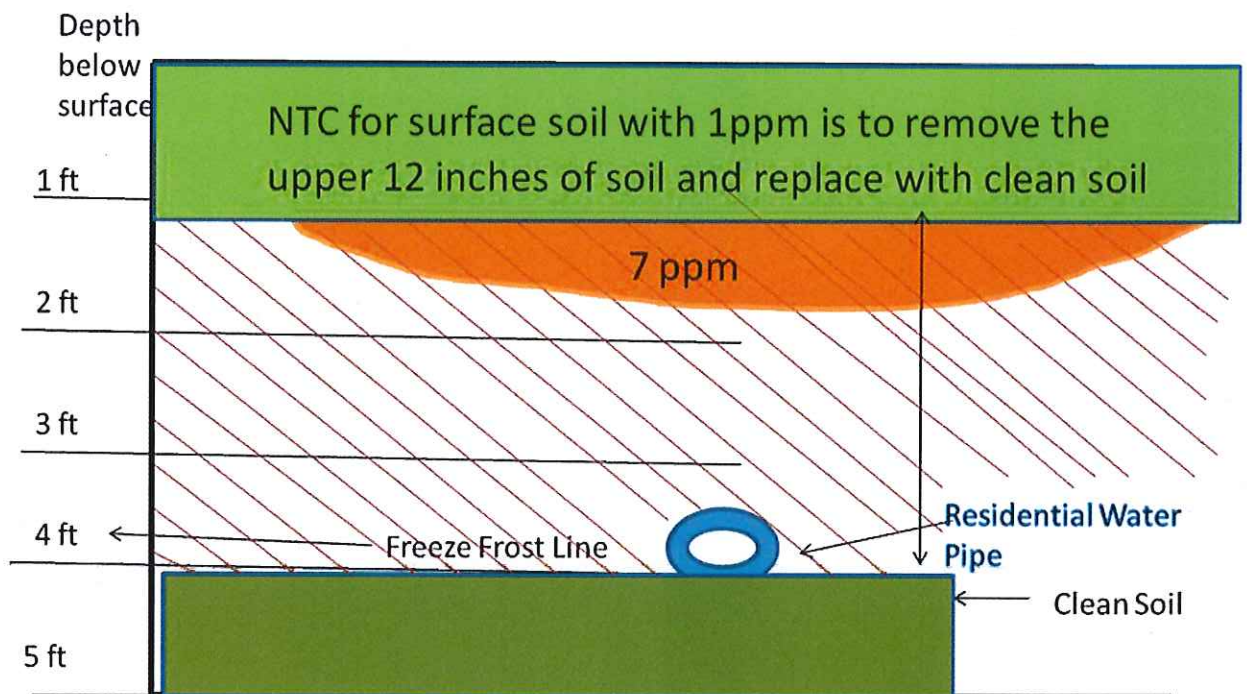


Figure 2: Residential Property after NTC Agreement Clean-Up

3. Excavation and On-Site/Off-Site disposal of residential Soils with surface and subsurface soil PCB concentrations  $\geq 1$  ppm. (Remove the previously placed 12 inch layer of clean backfill, excavating deeper to achieve 1ppm to a depth of 48 inches (4ft.), and backfilling and restoring the Soil generated during the additional removals may be disposed of in the SSSMA if the PCB concentrations of the composite samples are Less Than  $< 1$  ppm).

The Agreement in the NTC for surface soil with 1ppm is to remove the upper 12 inches of soil and replace with clean soil. The result of this action reduces the concentration on residential properties below 1ppm, which is also the concentration that can be detected in any urban City across the United States according to the EPA and ATSDR publications, USEPA, 2007. The second part of the NTC addressed soil on residential properties above 10ppm in subsurface soil. The NTC Agreement action reduces the subsurface soil, soil below the one foot of clean soil cover, to a concentration below 10ppm.

The NTC Agreement leaves a number of residential properties (approximately 97 properties) with a maximum concentration of 9ppm, one foot below the remediated surface soil, in the subsurface soil. The NTC Agreement was an interim action to address residential properties until a final Record Of Decision (ROD) was in place.

Recapping the history of the residential community is that PCB soils were brought into the community to fill in low lying areas, and PCB soil contamination was contained to the top surface of the properties. The EPA publication has determined that PCBs concentration below 1ppm is protective of human health throughout the county (EPA, 2005). The Publication states that < 1ppm of PCB concentration can be found in any urban city. Knowing the history of the PCB Anniston Site and the acceptable limits in an urban environment, why not be **Consistent** throughout the remedial action goal and remediate all residential soil in OU-1/OU-2 to what has been acceptable in an urban environment. This action would:

1. Protect any subsurface digging as it relates to planting a tree, planting a vegetable garden, or adding a structure to an owner's property.
2. Eliminate the one year survey of properties with residual PCBs left in place under the one foot of protective covering,
3. Solve the transit turnover of rentals that are unaware of intrusion into the protective 1 foot covering, and unaware of the P/S letter that was or will be mailed out to absentee homeowners who rent their homes and do not inform the new tenant of the remediation done on the property. The deed restriction applied to transfer of property to another owner, 40 CFR§761.61(a) (8).
4. Property value across this impacted area would be **Consistent** in damages by meeting the acceptable minimal level of < 1ppm of PCBs concentration in soil. This would also mean that although your property has over grown vegetation; less than 1ppm PCBs concentration was detected within the soil and did not trigger a remedial alternative, the value of the property would be **Consistent** with the properties that was remediated; **Consistent** with any urban City property in the United States, and meets the EPA's Streamlined Risk Evaluation (SRE) of October 2002 to establish the surface soil residential clean-up level for total polychlorinated biphenyls (PCBs) (EPA, 2002).

TA advised the community to consider to move towards the EPA Remedial Alternative that requires:

Removal of surface and subsurface soil, from residential properties with PCB concentration  $\geq 1$  ppm to a depth of 48 inches below ground surface. The actions for surface soils are consistent with removals previously completed under the NTC Removal Agreement and the Stipulation Agreement. This Alternative includes returning to approximately 97 properties that were previously addressed under the NTC Agreement; removing the previously placed 12-inch layer of clean backfill; excavating deeper to achieve <1ppm to a depth of 48 inches, or to a concentration depth of <1ppm PCBs, and backfilling and restoring the area. This action would also address conducting additional residential removal where applicable, if access is granted, or if overgrown conditions changes. Soil generated during the additional removals may be disposed of in the SSSMA if the PCB concentrations of the composition samples are <10ppm.

Mr. Baker expressed that EPA and Solutia should identify where these properties are located and the people who own these properties should have the right to be asked if they want their properties cleaned-up and added that the citizens should vote on the direction the clean-up should take. The TA wanted to see how the community wanted to proceed with these alternatives. Not all raised their hands in support of returning to the 97 properties. Those who did not raise their hand may have felt that they did not own the property and they did not have a voice in the decision. Most of the citizens in this do not own the property they are living on, which was a predominant factor in this area. And it may be that some of the community does not wish for a return to the properties. However, TA did make a mistake by asking the community to vote on an individual decision, but those citizens who are affected by the alternative should have the right to be asked how they want their property to be addressed by the alternative. The TA understands that Solutia will not be able to remediate all of the 97 properties to within less than 1ppm, for reasons that cannot be helped, such as: 1) Paved drive-ways; 2) PCBs soils under homes; 3) tree roots; and 4) piping. But these 97 properties should be addressed and evaluated to see what hot spots can be dealt with. The evaluation of the hot spots may reduce the 97 properties to a number less than 10 properties.

The final decision rests in the decision of the EPA Regional Board. Hopefully, there will be a decision that will address the 97 properties and allow the residents who live on those properties to decide how they wish their properties to be remediated in the final decision.

The TA informed the citizens that the services of the TA is being evaluated. The TA stated that over the years, the TA has brought decision makers to the meeting: A Judge, Region 4 Department Head, The Head of Alabama Department of Environmental Management; ATSDR, Fish and Wild Life, Solutia, and other decision makers that have worked on the Anniston PCB Site.

**Meeting Concluded**