

Responsiveness Summary: CERCLA Section 122(h) Agreement Carter Carburetor Superfund Site, St. Louis, Missouri

Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9622(i), requires the U.S. Environmental Protection Agency (EPA) to publish, in the Federal Register, notices of proposed administrative settlements entered into pursuant to Section 122(h) of CERCLA, 42 U.S.C. § 9622(h). CERCLA Section 122(i) requires a minimum 30-day period, beginning on the date of publication, for persons who are not parties to the proposed settlement to file written comments relating to the proposed settlement. CERCLA Section 122(i) further requires EPA to consider any comments filed during the comment period and permits the United States to withdraw or withhold consent to the proposed settlement if such comments disclose facts or considerations that show that the proposed settlement is inappropriate, improper or inadequate.

In accordance with Section 122(i) of CERCLA, EPA published notice of a proposed administrative settlement with ACF Industries, LLC (ACF), EPA Docket No. CERCLA-07-2013-0008, concerning the Carter Carburetor Superfund Site, St. Francois County, Missouri, in the Federal Register on July 18, 2013.

Summary of Comments

EPA received two sets of comments on the proposed settlement agreement. One set was submitted on behalf of the Lindell Park Neighborhood Development Association, Inc. (Lindell) and one was submitted by Edna Hanks-Pipes. Lindell expressed three concerns: (1) that EPA is waiving its right to recover almost \$2 million in taxpayer money already spent by EPA; (2) that EPA is waiving its future costs that will be incurred in overseeing the cleanup work to be performed by the potentially responsible parties (PRPs); and (3) the failure of the government to be transparent about the response and oversight costs EPA has incurred and will incur at the site. Edna Hanks-Pipes requested EPA consider temporarily relocating all residents within a 5,000 foot radius of the Carter Carburetor facility until a total cleanup is complete.

EPA Response to Comments

EPA understands Lindell's concerns regarding the compromise of EPA's past and future costs in this matter. However, from the beginning of negotiation process, and before, it was clear that the primary goal should be the expeditious cleanup of the Site as expressed by interested parties in public meetings and by community members themselves on various occasions. Based upon its review of its legal authorities and available funding, EPA initiated settlement discussions with the available PRPs. In our negotiations with ACF, EPA agreed to forego the recovery of its past and future costs in exchange for an agreement securing the work to be performed by ACF. ACF will conduct the vast majority of the cleanup work at the Site, which is of a significant monetary value. In agreeing to this settlement, EPA also took into account the costs and delays that would be associated with litigating this matter and some potential litigation risks.

As to Lindell's third concern regarding EPA's perceived failure to be transparent regarding its past response costs and future oversight costs and compromise of these costs in the settlement agreement, EPA made publicly available an Itemized Cost Summary Report of all the identified current past costs prior to the close of the public comment period. The future oversight costs anticipated at this site are estimates only and total approximately \$400,000.

Based on the foregoing, EPA believes it is in the best interest of the government and community to waive the past and future costs in order to secure the multi-million dollar cleanup anticipated at this site that will address the human health and environmental concerns.

The last and final comment received from Edna Hanks-Pipes requests the relocation of all residents within a 5,000 foot radius of the facility. EPA is well aware of the historical use of chemicals at the Carter Carburetor facility and the potential health effects associated with exposure to these chemicals. Trichloroethylene (TCE) was a solvent used for cleaning carburetors and carburetor parts. Polychlorinated Biphenyls (PCB's) were used in hydraulic fluid primarily for operating the die cast machines. These materials were stored on-site in tanks, drums and other small containers as necessary. These materials were also transferred through above ground and underground piping throughout the plant. To the best of our knowledge, there is no evidence to suggest that significant quantities of these materials ever migrated off-site and then re-deposited in the neighborhood at concentrations that would be potentially harmful to human health.

Over many years, EPA and private parties have collected tens of thousands of samples to precisely identify the location of contamination as well as determine its migration from the site and its effect on human health and the surrounding environment. Initial assessments identified potential exposure to PCBs from persons entering the Site and coming into direct contact with PCBs in soil and in dust and concrete within the die cast buildings, which were abandoned and unsecured. As you may know, EPA responded to these potential threats in the early 1990's and ordered ACF to address all surface contamination at the Site thereby significantly reducing the potential for persons entering the Site to be directly exposed to contamination. This cleanup action involved demolition of three buildings and cleanup of contaminated surface soils that was completed in 1998. The PCB contamination then remaining at the Site was confined to subsurface soils below the die cast building foundations which were coated with epoxy and covered with gravel. PCBs were also found in the concrete within the larger four story building (called the CBI Building), but at much lower concentrations than found previously in the die cast buildings. Therefore, exposure to PCBs remaining at the Site was limited to persons entering the building, which at the time was secured by the property owner.

In 2005, ACF agreed to conduct an Engineering Evaluation/Cost Analysis (EE/CA) to compare different cleanup alternatives. During this process, numerous samples were collected to further define the contamination. In addition, ACF conducted a cleaning of the on-site sewer lines which resulted in a reduction of PCB concentrations in the off-site sewers. EPA approved the EE/CA and submitted it for public comment. Based on the EE/CA and comments received from the public, EPA made a decision to clean up the Site which was documented in an Action Memorandum dated March 31, 2011. Although In-Situ Thermal Desorption (ISTD) was the chosen action for the soils in the die cast area, EPA was aware that more information was needed

to determine its effectiveness. Therefore, EPA made a decision to use excavation and off-site disposal of these soils, if further evaluation determined that ISTD was not effective. Based on data provided to EPA by ACF, ISTD was rejected based on the potentially excessive cost for treating the material. Excavation and off-site disposal of the die cast soils then became the chosen action by default.

Beginning in 2011 and continuing into 2012, at the request of the community, EPA collected numerous soil, sediment, air and underground vapor samples throughout the neighborhood, including at the Boys and Girls Club. The data from these samples were then presented to EPA's Toxicologists for evaluation. It was determined that, based on these samples, no significant threat to human health exists for persons at the Boys and Girls Club or in the surrounding community.

Although EPA has the authority to relocate persons who are being harmed by hazardous substances, it is generally reserved for persons who are being directly exposed to potentially harmful concentrations of hazardous substances. This is not the case at the Carter Carburetor site.

Conclusion

The comments received on this proposed settlement did not disclose to EPA facts or considerations that show that the proposed settlement is inappropriate, improper or inadequate. The proposed settlement is, therefore, final and effective upon the date of the signature of this written notice that the public comment period has closed and that the comments received do not require modification of or withdrawal from the proposed settlement.

This conclusion is subject to approval by the U.S. Department of Justice, a signatory to the settlement agreement.

Date

9/9/13


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