

A. Dwight Bedsole, Director
DuPont Corporate Remediation Group
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Dear Mr. Bedsole:

Thank you for your letter of June 4, 2003, regarding the RCRA Corrective Action Program. In particular, I want to thank you for your observations on EPA's environmental indicator (EI) program and for your suggestions on how to eliminate barriers to success.

Your first point addresses EPA's draft guidance on vapor intrusion. Specifically, you recommend that (1) EPA should recognize background air concentrations as the "floor" criteria, and should not "track" concentrations below background; (2) it should be possible to make EI determinations based on site-specific modeling without confirmatory sampling; and (3) OSHA permissible exposure levels (PELs) should be used as screening criteria on active sites subject to OSHA.

We agree with your recommendations, and we believe they are consistent with the guidance we have published to date. First, our guidance identifies the issue of "background" concentrations, and recommends procedures and considerations to take into account background concentrations. The guidance indicates that background concentrations set a floor for EI determinations. Second, the draft guidance clearly indicates that EI determinations may be made on the basis of site-specific modeling, without confirmatory sampling (although confirmatory sampling may be appropriate before a final remedy decision). And third, the guidance recommends deferring to OSHA standards where exposure is primarily occupational.

Your second point addresses groundwater-to-surface water discharges. You express concern about a lack of national guidance in this area, and you recommend that EPA drop sediments from consideration in the groundwater EI determination. We generally agree with your concern, and in fact we are now recommending to EPA regions and the states that they not include potential sediment concerns when they review the groundwater-to-surface water pathway as part of a groundwater EI determination. The objective of the groundwater-to-surface water evaluation is to determine whether or not contaminated groundwater that is discharging into surface water is significantly impairing the quality of the surface water body. Instead, we expect that sediment issues related to this pathway will be addressed in the final remedy or under an area-wide remediation approach.

Third, you express concerns about a “lack of [early] agency support or interest” in meeting EI goals and about EI evaluation procedures. I agree that improvements are needed. For example, I agree with your recommendation that EPA remind program implementers that EIs were primarily designed to stabilize environmental problems, and are not final cleanup determinations. I also agree with your recommendation that officials should be encouraged to work with facility representatives in conducting EI evaluations. I can assure you that these and other key messages concerning meeting our RCRA EIs are being conveyed at every available opportunity in which RCRA EIs are discussed.

Finally you cite a need for “culture change.” As we discussed at the May 20 meeting, we agree that culture change remains an important goal – although we believe that significant culture change has already occurred within state agencies and at EPA. We also believe that change is needed within regulated industry as well. I agree with your recommendation concerning the need for additional training, and I am happy to say that we are taking steps in this direction. For example, EPA Regions 4 and 6 recently sponsored EI training, and other regions are taking a more active role in ensuring regional and state management and staff have a clear understanding of how to evaluate and achieve EI goals. Along with training, we are taking other significant steps toward promoting communication and support pertaining to EIs. For example, most regions have assigned a single person as an EI coordinator, and we will be kicking-off new EI support teams focused on providing assistance on challenging issues.

Once again, thank you for sharing DuPont’s observations and suggestions. I look forward to your continuing progress in assuring that your individual sites are safe and under control. If you would like further information, please feel free to contact Tom Rinehart with the Corrective Action Programs Branch at (703) 308-0157.

Sincerely yours,

Marianne Lamont Horinko
Assistant Administrator

cc: Susan Bromm, OECA
Robert Springer, OSW
Mike Cook, OERR