



OFFICE OF INSPECTOR GENERAL

Catalyst for Improving the Environment

Ombudsman Report

Review of Actions at Escambia Treating Company Site, Pensacola, Florida

Report 2004-P-00032

September 30, 2004



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Abbreviations

CATE	Citizens Against Toxic Exposure
CD	Compact Disk
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
EPA	Environmental Protection Agency
OIG	Office of Inspector General
ppb	parts per billion
RPM	Remedial Project Manager
TAG	Technical Assistance Grant
URA	Uniform Relocation Assistance and Real Property Acquisition Policies Act

Cover photo: The soil mound cover is inspected at the Escambia site (EPA OIG photo).




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

September 30, 2004

MEMORANDUM

SUBJECT: Ombudsman Report:
Review of Actions at Escambia Treating Company Site,
Pensacola, Florida
Report 2004-P-00032

FROM: Paul D. McKechnie 
Acting Ombudsman
Office of Congressional and Public Liaison

TO: Jimmy I. Palmer, Jr.
Regional Administrator, Region 4

Attached is our final report on our review of complaints regarding the Escambia Treating Company Site conducted by the Office of Inspector General (OIG). We undertook this work as a result of issues brought to the attention of the former Environmental Protection Agency (EPA) Ombudsman and, subsequently, to the OIG Acting Ombudsman by citizens in the area of the Escambia site.

This report contains findings and recommendations that describe needed improvements the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and the findings contained in this report do not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

On August 26, 2004, the OIG issued a draft report to EPA's Region 4 for review and comment. However, the Region did not provide a response to the draft report, and we are issuing this report without comment.

The findings in this report are only applicable for OIG Ombudsman purposes. Additionally, these findings are not binding in any enforcement proceeding brought by EPA or the Department of Justice under the Comprehensive Environmental Response, Compensation, and Liability Act to recover costs incurred not inconsistent with the National Contingency Plan. We have no objection to the further release of this report to the public.

Action Required

In accordance with EPA Manual 2750, you are required to provide this office with a written response within 90 days of the final report date. The response should address all recommendations. For corrective actions planned but not completed by the response date, please describe the actions that are ongoing and provide a timetable for completion. Reference to specific milestones for these actions will assist us in deciding whether to close this report in our assignment tracking system.

If you or your staff have any questions regarding this report, please contact me at (617) 918-1471 or Dan Cox, the Assignment Manager, at (916) 498-6592.

Executive Summary

Purpose

The Escambia Wood Treating Site in Pensacola, Florida, is one of a number of cases transferred by the former Environmental Protection Agency (EPA) Ombudsman to the Office of the Inspector General (OIG) in April 2002. The Escambia site is an abandoned wood preserving facility where various health risks were identified and about 358 households were permanently relocated. The specific objectives of our review were to:

- Examine the status of cleanup planning at the Escambia Superfund site.
- Determine whether the relocation of home owners at the site was conducted appropriately and in accordance with applicable guidelines.
- Evaluate the effectiveness of community relations activities.

Results of Review

Cleanup Planning. Overall, we found that EPA took appropriate cleanup planning actions at the Escambia Superfund site. EPA plans to conduct a remedial action at the site to address the contaminated soil mound and contaminated groundwater at the site. We could not provide an opinion on the cleanup remedy, since the Agency was in the process of completing feasibility studies and the proposed plan is not expected until mid-2005. The State of Florida and local community were concerned about delineation of contamination and cleanup standards. With the completion of additional soil sampling and recent agreement between EPA and Florida regarding cleanup standards, progress can now be made on site studies and developing the proposed plan for site cleanup. An emergency removal action, which involved excavating soils and storing them in a lined and covered area on-site, appears protective and should be viable for several more years.

Relocation of Residents. Overall, the U.S. Army Corps of Engineers effectively implemented a very large and complex residential relocation project at the Escambia site. The project removed residents from potential health risks and re-situated them in replacement homes away from the site. To enhance future relocations, Region 4 should continue to require the Corps to provide appraisal details to property owners, more closely monitor housing inspections, and allow residents a period of time to report replacement housing problems and obtain reimbursement for legitimate repairs.

Community Relations. EPA made efforts to inform the community and keep them abreast of activities at the Escambia site. The Agency provided fact sheets, made periodic visits to update community members, conducted some public meetings, and made required administrative record files available at the site repository. To bolster community relations in the future, EPA should consider reviewing and updating the site Community Involvement Plan, conducting more public meetings, and providing compact disks (CDs) and courtesy copies of future administrative record documents to community representatives.

Recommendations

Although EPA was generally taking appropriate actions at the Escambia site, we made various recommendations to EPA Region 4 that should enable it to improve its efforts related to cleanup planning, relocation of residents, and community relations. Region 4 has not yet responded to our recommendations.

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Chapter 1

Introduction

Purpose

The Escambia Wood Treating Site in Pensacola, Florida, is one of a number of cases transferred by the former Environmental Protection Agency (EPA) Ombudsman to the Office of the Inspector General (OIG) in April 2002. After visiting the site and meeting with key stakeholders -- including representatives of the City of Pensacola, Escambia County, a local community environmental group, Congressman Jeff Miller's office, and local businessmen -- we decided to review concerns regarding cleanup planning, residential relocation, and community relations. Specifically, our objectives were to:

- Examine the status of cleanup planning at the Escambia Superfund site.
- Determine whether the relocation of home owners at the site was conducted appropriately and in accordance with applicable guidelines.
- Evaluate the effectiveness of community relations activities.

Background

The Escambia site is an abandoned wood preserving facility, and is comprised of 26 acres situated in a mixed industrial and residential area. The facility had pressure treated wood products, including utility poles and foundation pilings, from 1942 until closing in 1982. Until about 1970, coal-tar creosote was used as the primary wood preservative. Beginning in 1963, pentachlorophenol was also used as a preservative. The facility drained excess preservative from treated products along drip tracks before storing the excess in nine storage areas located on-site.

After the facility ceased operations in 1982, it was required to provide groundwater monitoring and closure plans, and analyze groundwater samples. In September 1985, the facility removed sludge from three surface impoundments and shipped them to a hazardous waste facility in Alabama. Various violations were observed at the facility, and EPA enforcement actions were taken between 1985 and 1989.

After an EPA facility inspection in 1990, the EPA response team determined that a removal action was necessary to address contamination at the site. The Escambia Treating Company had filed for bankruptcy in 1991 and abandoned the site. EPA initiated a removal action in the fall of 1991 and completed it in 1992. Contaminated soils at the site were excavated and are presently stockpiled under a

secure cover at the site. To take further, permanent actions, EPA placed the Escambia site on the Superfund National Priorities List in 1994. EPA identified two operable units at the site: Operable Unit 1, to address contaminant sources, soils, and control measures at the site; and Operable Unit 2, to address groundwater contamination from the site.

A Record of Decision for an interim remedial action under Operable Unit 1 was approved in February 1997. EPA identified health risks due to the presence of 2,3,7,8-TCDD (dioxin) and benzo(a)pyrene (BaP) in portions of the site, which generated concerns among nearby residents regarding potential adverse health impacts. The concerns arose, in part, from the visibility of the large stockpile of highly contaminated soil and two large-scale excavations. The interim action involved permanently relocating about 358 households from several subdivisions near the site, demolishing homes, and establishing institutional controls to limit land use to industrial and commercial use.

Permanent remedies for addressing soil contamination and contaminated groundwater have not yet been established. EPA expects to issue a proposed plan by mid-2005 for remediating the site. When the site is cleaned up, plans are being made to transform the area into a commerce park that will include a mixture of businesses, such as offices, showrooms, warehouses, and light manufacturing.

A number of local residents affected by the Escambia site established a group called Citizens Against Toxic Exposure (CATE). The group has received technical assistance grants from EPA and has hired a technical advisor to review Agency studies and actions. Although virtually all residents who wanted to move have been relocated, CATE continues to be involved in the site's remedy selection process. The group is concerned that land west of the site had not been delineated and may have contamination from the site. CATE is also concerned about the condition of the high density polyethylene cover over the contaminated soil mound at the site, that the cover might be deteriorating, and that the area is subject to severe storms and hurricanes that could result in the spread of contamination. The group also indicated that the Agency's preferred remedy for soils and sediments in its draft proposed plan (excavation, solidification, and on-site burial) was not included and evaluated in a Remedial Investigation/Feasibility Study. The Five-Year Review report noted that CATE was petitioning EPA to completely remove on-site and off-site contamination and restore the site to residential standards.

A grand jury convened by Escambia County during the fall of 2003 conducted an inquiry into the extent of the area's groundwater contamination and sources, and assessed efforts of regulators to protect the area's groundwater. In a report issued in April 2004, the grand jury indicated that EPA, the Florida Department of Environmental Protection, and the Escambia County Utilities Authority failed to monitor groundwater sufficiently, notify customers and the general public of water quality violations at multiple wells, restore ground water resources at

Superfund sites, and prevent future contamination. Among other recommendations, the grand jury recommended that the U.S. Congressional Representative and Senators, working with the Department of Justice, inquire into EPA's failure to restore groundwater resources at Superfund sites in Escambia County.

Scope and Methodology

We generally conducted our review from January through June 2004. We examined the files obtained from the former Ombudsman and at EPA Region 4. We interviewed various stakeholders, including representatives of the Florida Department of Environmental Protection, City of Pensacola, Escambia County, CATE, the New Hope Missionary Baptist Church (located adjacent to site), and local businesses (including Architectural Specialties, NAI Halford, and Terhaar & Cronley). We walked through the site and inspected the protective cover installed over the contaminated soil mound, visited the site information repository at the West Florida Regional Library, examined site administrative files, evaluated soil and groundwater sampling plans, and witnessed some housing demolition at the site. We visited Region 4 to review regional site files and interview site Remedial Project Managers, Community Involvement Coordinators, and attorneys in the Office of Regional Counsel.

We made several visits to Pensacola, Florida, and Mobile, Alabama (the location of the U.S. Army Corps of Engineers office responsible for the relocation), to gather pertinent information on issues relating to the Escambia relocation. Our activities included interviewing U.S. Army Corps of Engineers representatives, reviewing relocation files, and interviewing residents to obtain information regarding their relocation experiences.

Because of concern as to whether the site's stockpile cap could withstand a hurricane, we contacted the Remedial Project Manager in September 2004, to determine whether the cap was impacted by Hurricane Ivan when it passed through the Pensacola area. No damage to the cap was had been noted during an inspection conducted subsequent to the hurricane.

We performed our review in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States.

The findings contained in this report are only applicable for OIG Ombudsman purposes. Additionally, the findings in this report are not binding in any enforcement proceedings brought by EPA or the Department of Justice under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to recover costs incurred not inconsistent with the National Contingency Plan.

Chapter 2

Cleanup Planning

Overall, we found that EPA took appropriate cleanup planning actions at the Escambia Superfund site. EPA plans to conduct a remedial action at the site to address the contaminated soil mound and contaminated groundwater. We could not provide an opinion on the cleanup remedy, since the Agency was in the process of completing feasibility studies. The Agency expects to complete the proposed plan for the cleanup remedy by around mid-2005. The State of Florida and local community were concerned about some aspects of the cleanup planning, including: (1) delineation of contamination, and (2) cleanup standards. With the completion of additional soil sampling and recent agreement between EPA and Florida regarding cleanup standards, progress can now be made on concluding site studies and developing the proposed plan for site cleanup. An emergency removal action, which involved excavating soils and storing them in a lined and covered area on-site, appears protective and should be viable for several more years.

Delineation of Contamination

The State of Florida and the local community believed that insufficient sampling had been conducted to accurately delineate the extent of soil contamination at the Escambia site, especially in off-site areas adjacent to the site. Areas sampled, as outlined in EPA's Sampling and Analysis Plan issued in February 2004, included:

- The Clarinda triangle area;
- The residential neighborhood encompassing Herman Avenue and Pearl Street;
- Businesses along Palafox Highway just west of the former Escambia Arms apartment complex;
- North and east of Solid Waste Management Unit 10; and
- Palafox Industrial Park, just south of the Escambia property.

An OIG environmental scientist evaluated the Agency's sampling plan. He observed that the primary difference between the February 2004 Sampling and Analysis Plan, as it pertained to the Clarinda triangle area, and previous sampling efforts for this area, was the method of sample location selection. In a previous effort, the sample locations were chosen subjectively by the technical consultant for the residents. Some samples provided unusable analysis results; for example, some were taken underneath asphalt-paved driveways and measured leachate from the asphalt. The February 2004 Sampling Plan contains a sampling grid, laid out geometrically to include all areas not covered by a building and/or paved driveway. The scientist concluded that, presuming that the samples were properly

taken, composited, and analyzed, the analysis results should provide a statistically reliable indication of the extent of contamination in the area.

In addition, results of recent soil sampling indicated that some soils in the Clarinda Lane area were contaminated above EPA action levels. As a result, EPA issued an Explanation of Significant Differences in June 2004 to modify the interim Record of Decision to allow the excavation of contaminated soil encountered during the second phase of housing demolition. We believe this was an appropriate action.

Cleanup Standards

Until the spring of 2004, EPA and the Florida Department of Environmental Protection had not agreed on the cleanup standards to use in addressing contamination at the Escambia site, which delayed progress in developing site cleanup plans. EPA standards were based on a property planned for commercial or industrial use, since the property is planned to be rezoned commercial/industrial. Florida's cleanup standards for dioxin contamination at the site were more stringent than EPA's. However, EPA eventually accepted Florida's more stringent standards. The following chart summarizes EPA's and Florida's cleanup standards for dioxin contamination for both industrial and residential-level properties.

Dioxin Cleanup Standards		
	<i>Industrial-level</i>	<i>Residential-level</i>
EPA	5 - 20 ppb	1 ppb
State of Florida	.03 ppb	.007 ppb

ppb = parts per billion

The risk assessment for EPA and Florida is based on lifetime excess cancer risk. Part of the difference between EPA and Florida standards is in how much risk each considers acceptable. EPA appears to be moving to the least protective level allowed by the National Contingency Plan of 10^{-4} , or a one in 10,000 acceptable lifetime excess cancer risk. Florida prefers 10^{-6} , or a one in 1 million risk.

Florida passed new risk-based corrective action legislation in June 2003, whereby hazardous waste sites in the State are targeted for cleanup based on environmental and health risks. Prior to this legislation, only dry cleaners, petroleum, and designated Brownfields sites were covered under the State's risk-based corrective action planning. The Florida legislation uses a 10^{-6} risk level for cleaning up all contaminated sites, including those contaminated with wood preservatives. The

new State legislation was the primary factor that prompted the Agency to reconsider the Florida cleanup standards for the planned cleanup of the Escambia site. EPA has now accepted the more stringent Florida industrial standard as an applicable or relevant and appropriate requirement¹ for the Escambia site and plans to clean up the site to that level.

Protectiveness of Stockpile Cap Confirmed

The OIG environmental scientist inspected the contaminated soil stockpile on February 3, 2004. The stockpile was intended to be a temporary solution to the storage of hazardous waste; when properly maintained, the temporary cap can minimize or exclude rain water from leaching through the cap to groundwater. The scientist said that it was unlikely that any cap, temporary or permanent, could withstand the full force of a category 5 hurricane, but noted that the cap at the Escambia site had already withstood tropical storms without significant damage. When inspected, the cap was in good condition, with no significant damage. Minor cuts in the cap sheeting had been repaired during the past 3 months. Very little ponding of rainwater was evident, indicating that the cap had been properly graded when constructed and little shifting of soil had occurred subsequently. The scientist concluded that, absent hurricane-strength storm events, the cap should be useable for several more years. Furthermore, a Five-Year Review report on the interim remedy, issued in September 2002, concluded that maintenance and limited repairs could keep the high density polyethylene cover functional for at least another 3 to 5 years.

The U.S. Army Corps of Engineers inspects the site quarterly and after major storm events, and makes repairs to the cover as needed. In addition to the protective cover, a liner was installed below the soil mound during the removal action in 1991-1992 to prevent contaminated leachate from entering into the soil and groundwater at the site, according to the EPA On-Scene Coordinator. According to the Remedial Project Manager, the U.S. Army Corps of Engineers inspected the Escambia site on September 17, 2004, after Hurricane Ivan had passed through the Pensacola area. The inspectors found the cover had not been damaged, was intact, and remained protective of the environment.

Future Plans for Site

After the site has been cleaned up, it is planned to become a commerce park, which will include a mixture of businesses. In addition, two acres are to be set aside for the New Hope Missionary Baptist Church, located adjacent to the site, to provide additional land for parking and church activities, including a day-care

¹CERCLA requires that on-site remedies attain any legally applicable or relevant and appropriate requirements, standards, criteria, or limitations under Federal or more stringent State environmental laws, including the Resource Conservation and Recovery Act, unless site-specific waivers are obtained.

center and possibly a community center. The OIG generally agrees with the future intended use of the site, based on the industrial-level cleanup planned. At this point, we cannot comment on EPA cleanup plans for the site since the Agency has not yet developed the proposed plan for the cleanup remedy; the proposed plan is not expected to be completed until mid-2005.

Plan Should Address State Comments

EPA received comments from the Florida Department of Environmental Protection on its October 2003 Sampling and Analysis Plan for Phase III of the Remedial Investigation. In its comments, Florida requested the installation of additional monitoring wells for further delineation of the groundwater plume during planned sampling. EPA responded in a November 3, 2003, letter indicating that the budget for the Phase III sampling effort was based on the number of wells previously discussed during meetings with Florida. The Agency left open the possibility of adding additional wells if subcontractor bids for installing wells were low enough. However, the Agency did not incorporate Florida's comments and the Agency's response in a subsequent Sampling and Analysis Plan issued in February 2004, and we believe this should be done.

Conclusions

Now that differences between EPA and Florida regarding cleanup standards have been resolved, officials from Florida, the City of Pensacola, and Escambia County generally expressed satisfaction with the progress that EPA has been making in conducting additional sampling at the site, delineating the extent of contamination, and beginning to develop plans for remediating the site. The County would prefer that the mound of contaminated soil ultimately be removed from the site. The City would like EPA to consider and use a number of alternatives for remediating the site, depending on the varying levels of contaminants at different parts of the site. We cannot provide an opinion on the cleanup remedy, since EPA has not yet developed the proposed plan. Regardless, we encourage EPA to continue to emphasize progress at the site, completing the feasibility studies during 2004 and the proposed plan by mid-2005.

Recommendation

We recommend that the EPA Regional Administrator, Region 4:

- 2.1 Include State, local government, and community comments and EPA responses in future Sampling and Analysis Plans.

Region 4 has not yet responded to our recommendation.

Chapter 3

Relocation of Residents

Overall, the U.S. Army Corps of Engineers effectively implemented a very large and complex residential relocation project at the Escambia Superfund site. The project removed residents from potential health risks and re-situated them in replacement homes away from the site. To enhance future relocations, Region 4 should continue to require the Corps to provide appraisal details to property owners, more closely monitor housing inspections, and allow residents a period of time to report replacement housing problems and obtain reimbursement for legitimate repairs.

Relocation Offered to Residents

To safeguard local residents living around the Escambia Superfund site, in a February 1997 interim Record of Decision, EPA decided to relocate an estimated 358 households from several subdivisions. The subdivisions included Rosewood Terrace, Oak Park, Goulding, and the Escambia Arms Apartment complex. EPA had no formal relocation policy in effect at that time, although the Agency had been involved in past relocations.

Congress enacted Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) in 1971 to provide for uniform and equitable treatment of people whose homes or businesses were acquired under Federal and Federally assisted programs. The U.S. Department of Transportation has been designated the lead agency for implementation of the URA. Regulations in Title 49, Code of Federal Regulations, Part 24, provide specific rules for conducting permanent relocations. While EPA has an interim policy for temporary relocations,² it was not relevant to the permanent relocations at Escambia. Thus, the Escambia relocation was conducted primarily under the URA.



A condemned property near the Escambia site (EPA OIG photo)

EPA entered into an interagency agreement in May 1997 under which the U.S. Army Corps of Engineers would conduct the relocations. EPA worked with

² Superfund Response Actions: Temporary Relocations Implementation Guidance, Office of Solid Waste and Emergency Response Directive 9230.0-97, April 2002.

the Department of Transportation on the basic relocation requirements and with the Department of Justice on land acquisition rules. For each household being relocated, the government offered the household a choice of (a) selecting one of three comparable replacement properties selected by the government, or (b) independently finding a replacement house for the government to acquire. In addition to the acquisition cost of the property, households were offered up to \$22,500 in purchase supplements for additional expenses, such as moving payments and other incidental expenses.

Not All Residents Satisfied With Relocation

Some residents who were relocated expressed dissatisfaction. Of the estimated 358 households relocated, we focused our review on 167 land tracts and excluded the approximately 200 residents in the Escambia Arms apartment complex.

Of the 167 households reviewed, CATE provided the OIG a listing of 29 property owners who had expressed some concerns regarding their relocation experiences. Of the 29 owners, we were able to contact and interview 22. We found that 13 of the 22 property owners indicated they were dissatisfied for various reasons. They said the government could have provided more compensation for their properties, and also expressed dissatisfaction with their replacement houses due to plumbing, electrical, and heating problems, or leaking roofs.

For the remaining 138 households, we divided them into two basic categories: (1) owner-occupied; and (2) not occupied by owner (owner deceased or no longer living at property). Following interviews with a number of homeowners, we found the following for each category:

Category	No. of Properties	No. of Owners Interviewed	Owner Satisfied with Relocation	Owner Not Satisfied with Relocation
Owner-occupied	79	22	12	10
Not occupied by owner	<u>59</u>	<u>11</u>	<u>6</u>	<u>5</u>
Totals	138	33	18	15

The dissatisfied owners believed they were not adequately compensated for their properties and the government did not provide appraisal details. Also, some owners indicated they encountered heating and plumbing problems, as well as leaking roofs, in their replacement homes. We found the following regarding each situation.

Compensation and Appraisals

Some property owners believed they were offered less than adequate prices for their properties, but because of fears that their health was at risk, they had to accept what was offered. Some held out on their negotiations with the government and settled for higher amounts than initially offered.

U.S. Army Corps of Engineer appraisers were required to comply with requirements in the URA (Title 49, Code of Federal Regulations, Part 24) and Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

In all the case files we examined, the appraisers appeared to follow applicable guidelines and requirements in appraising the value of each displaced house, and the Corps followed proper procedures in negotiating fairly with displaced residents. The appraisals were well documented, with sufficient details on how appraisers arrived at the fair values of properties. The appraisers used various available appraisal methods, including comparable resales in the area and potential rental income levels. We believe the appraisers used the most equitable method to assign values to properties. Corps appraisal staff had appropriate training and certification, and typically spent time in Escambia to acquire knowledge of the locale. They interviewed local realtors and used Multiple Listing Service real property transaction data. We believe the Corps specifically followed an EPA requirement to consider the properties “as if clean”; that is, they were not to consider the effect on the fair market values of properties being near a Superfund site.

However, we found that how the appraisers derived the results may not have been clearly conveyed to property owners, resulting in some misunderstanding. It was not Corps policy at the time of the Escambia relocation to release appraisal details to property owners. Nonetheless, doing so would have rendered more transparency, reducing misunderstanding and building trust between the government and the community. Toward the end of the project, EPA established a policy of providing the government’s appraisals to land owners, and the Corps followed that policy for the remaining tracts to be acquired. Also, some residents indicated that they would have preferred more compensation for their properties. However, our review indicated the final settlement documents were duly executed and indicated equitable and acceptable conclusions.

Replacement House Condition

The URA requires that replacement housing be decent, safe, and sanitary. However, some residents said that they experienced various problems after moving into their replacement houses. They specifically cited plumbing and heating problems and leaking roofs.

We visited replacement houses included in our sample and observed that most were improvements over previous housing at the Escambia site. We saw signs of some problems at a few of the replacement houses, but it was difficult to determine whether the pre-move inspections were deficient and the government failed to take corrective action. The inspections were generally conducted by a contractor, and our review of the inspection reports at the Corps office in Mobile, Alabama, indicated that the inspector determined that the replacement houses met decent, safe, and sanitary requirements. It appeared that the inspector generally applied due diligence and proper procedures and criteria in evaluating the houses, determining structural soundness, testing appliances, and checking for plumbing leaks or other problems. Where a house required repairs, the Corps ensured that the repairs were made before certifying the houses were decent, safe, and sanitary. We noted instances in the files of re-inspections before houses were certified. However, during discussions, the Corps conceded that some inspections may not have uncovered all potential maintenance issues during inspection, and in some cases could have been more thorough.

Some residents believed that the house inspections were deficient because problems arose after they had moved into their replacement houses. The problems appeared to be primarily maintenance issues relating to heating and plumbing. While such issues may be routine maintenance incidental to home ownership, the Corps arranged to have the necessary repairs made.

Conclusions

We determined that, overall, considering the size and complexity, the Corps effectively conducted the relocation project. We believe the program was implemented successfully and met the primary objective of providing fair and equitable treatment of displaced residents. However, we identified some areas where improvements could be made to strengthen future relocation projects.

Recommendations

We recommend that the EPA Regional Administrator, Region 4:

- 3.1 More closely monitor the housing inspection process and implement the necessary steps to reduce the possibility of maintenance issues surfacing after relocated residents have moved into replacement houses.
- 3.2 Amend existing relocation policy to allow a period of time during which relocated residents can report maintenance issues on their replacement housing and seek reimbursement from the government for appropriate repair costs.

Region 4 has not yet responded to our recommendations.

Chapter 4

Community Relations

EPA made efforts to inform the community and keep it abreast of activities at the Escambia site. The Agency provided fact sheets, made periodic visits to update community members, conducted some public meetings, and made required administrative record files available at the site repository. To bolster community relations in the future, EPA should consider reviewing and updating the site Community Involvement Plan, conducting more public meetings, and providing CDs and courtesy copies of future administrative record documents to community representatives.

Various Criteria Require Community Outreach

CERCLA requires that citizens living near Superfund sites be given the opportunity to influence cleanup decisions, and that they can express their concerns throughout the cleanup process. CERCLA also requires establishment of an information repository near each Superfund site and informing the community of the repository. The repository should contain a copy of items developed, received, published, or made available to the public, including information describing the technical assistance grant application process.

EPA's Superfund Community Involvement Handbook provides legal and policy requirements for community involvement and other suggestions for involving the community in the cleanup process. For remedial actions, this generally involves keeping the community informed about what is going on, providing local access to key documents, informing them about technical assistance grants, meeting with them, and responding to their questions about the proposed plan.

The National Contingency Plan requires that a Community Involvement Plan be in place before remedial investigation field activities start.³ The plan is to describe the outreach activities that EPA will use to address community concerns and expectations, and it to be revised and/or updated every 3 years at a minimum.

Community Relations Activities Undertaken at Escambia Site

There have been four EPA Community Involvement Coordinators for the Escambia site and three Remedial Project Managers (RPMs). The current Community Involvement Coordinator has been assigned since April 2004 and the current RPM has been involved with Escambia since March 2003. During the last 4 years, the Community Involvement Coordinators made about six visits to the

³ Title 40, Code of Federal Regulations, Section 300.430 (c)(2)(ii) (A-C)

local community, and have kept the community informed of site plans and activities primarily through periodic fact sheets and site updates. In addition, the RPMs also periodically meet with community representatives during site visits. EPA has held occasional public meetings with the local community to inform them of activities at the site.

EPA established an official site repository for the Escambia Superfund site at the West Florida Regional Library in Pensacola, where copies of the site administrative record files are maintained. The Agency developed a Community Involvement Plan several years ago, and that is available at the repository.

Community Expressed Concerns

CATE, the local community environmental group, indicated that EPA has not adequately kept them informed or responded to community concerns. Further, a Florida official noted that, for a time, the State had to act as a go-between with the community. The official indicated that EPA was not providing responses to community comments. The State then began reviewing the community's comments and including them with the comments that it provided to EPA. Some of the key concerns expressed by CATE included the following:

Public Meetings

The last time EPA formally met with the community was in June 2003. The RPM said EPA does not have the time and resources to conduct public meetings on every document or issue that comes out, but does so at all required milestones and key decision points. The RPM met with the community in June 2003 to introduce herself to community members, answer any questions they had on the planned housing demolition, and discuss Phase III of groundwater sampling at the site. The RPM did not consider this to be a public meeting. The RPM indicated that the last public meeting with the community was conducted by the prior EPA RPM. The prior RPM said that this meeting occurred in February 2003. City of Pensacola officials also said more interaction is needed between CATE and EPA's RPM, and EPA should provide more fact sheets and hold more joint meetings.

CATE has also expressed concern about being excluded from EPA meetings. For example, although CATE requested a meeting with EPA management to discuss community concerns on relocation plans, a team dispatched from EPA headquarters and Region 4 met only with the U.S. Army Corps of Engineers, which was implementing the relocation. The team reported to EPA management that the relocation was progressing well, but the community was not given an opportunity to voice their concerns. However, although CATE may feel excluded, EPA officials said they cannot include the community every time it meets to discuss site plans and activities.

We agree that EPA's holding more meetings with the community would be beneficial, and EPA should attempt to have at least one meeting a year to keep the community up to date, as well as at all important phases of site remediation (such as major sampling events and at demolition).

Responsiveness Summaries

CATE expressed concern about EPA's not providing responsiveness summaries for Records of Decision in the site repository. These responsiveness summaries represent EPA's responses to comments provided by the public regarding drafts of Records of Decision. For the interim Record of Decision, on the relocation of residents, we noted that responsiveness summaries were in fact on file at the site repository. The RPM noted that a Record of Decision has not yet been issued on the cleanup, which is why there are no responsiveness summaries for that Record of Decision at this time, and it would be too time consuming for EPA to issue summaries each time a comment is submitted.

The RPM noted that EPA had provided the Phase III groundwater sampling plan to CATE, the Florida Department of Environmental Protection, and Escambia County. After these stakeholders submitted comments on the plan to EPA, the Agency had provided a combined letter response to all of the stakeholders on November 3, 2003, in which it addressed each of the comments that had been submitted.

Availability of Site Documents

CATE expressed concern that the community has not been provided most site documents. EPA Office of Solid Waste and Emergency Response Directive 9833.3A-1 requires that the Agency provide certain key documents to the public. These documents include, among others, the Community Involvement Plan, Remedial Investigation/Feasibility Study Reports, site sampling results, fact sheets, and scientific and technical data. We found the required documents at the site repository.

Technical Advisor

CATE indicated that its technical assistance grant (TAG) technical advisor's comments were never placed at the site repository. The RPM noted that EPA reviews and considers the advisor's comments. However, while the RPM indicated that EPA is not required to place the comments at the site repository, EPA TAG program regulations in Title 40, Code of Federal Regulations, Section 35.4185, do in fact require that the Agency send final written products prepared by communities' TAG technical advisors to the site repository.

The current RPM acknowledged some communication problems between EPA, CATE, and CATE's technical advisor. The RPM said the advisor sometimes did

not inform CATE of information requested from EPA, which gave the impression that EPA was not keeping CATE adequately informed. To alleviate this problem, the RPM has asked that the advisor prepare a request letter in the future and have it signed by CATE's president, so that everyone is aware of what information is being requested and provided.

Other Issues Noted

During our review, we noted that although a copy of the Community Involvement Plan for the Escambia site was available at the site repository, the two most recent EPA Community Involvement Coordinators did not know that the plan existed. The plan was last updated in 1995. The Coordinators should familiarize themselves with the plan's requirements and expectations and update the plan every 3 years, at a minimum, as required by the National Contingency Plan.

Also, while CDs containing the administrative record files were available in Region 4, no CDs were available at the site repository. Although the RPM indicated that electronic files are not required for the repository, since printed copies are available, including the CDs as well would provide an additional, convenient, and inexpensive way for community members to access information on the site.

Further, although the Region sent a letter indicating it would respond by August 30, 2002, to a resolution adopted by the City of Pensacola in June 2002 on plans for cleaning up the Escambia site, the Region never responded to the City. While the Agency is not required to respond to such resolutions, the Region should provide such a response if it indicates it will do so.

Conclusions

Overall, we found that EPA has been making efforts to keep the community informed and up to date on the status of activities at the Escambia site. EPA has provided the community with fact sheets and has made efforts to meet with the community. However, EPA could hold more public meetings, and could strengthen its communications and community relations activities in the future.

Recommendations

To further strengthen its relations and communications with the local community at the Escambia Superfund site, we recommend that the EPA Regional Administrator, Region 4:

- 4.1 Review the existing Community Involvement Plan for the site and revise and/or update the plan every 3 years, at a minimum, as required by the National Contingency Plan. Provide a copy of the updated plan to the site repository for community access.
- 4.2 Continue to hold public meetings at important phases of site remediation, (e.g., major sampling events, demolition). The Region should plan to conduct a public meeting within the next 3 months, since it has been more than a year since the last meeting was held.
- 4.3 Provide a courtesy copy of administrative record documents added to the site repository in the future to the CATE community group through printed copies, electronic files, or web site access.
- 4.4 Provide a copy of CDs containing site administrative record files, already available in the Region, to the site repository.
- 4.5 Provide a copy of the community's TAG technical advisor's written comments to the site repository as required by EPA regulations.
- 4.6 Submit a response to the City of Pensacola, as promised, on the resolution the City adopted in June 2002 on Escambia cleanup plans, and in the future follow through on responses to stakeholders when a promise to respond is made.

Region 4 has not yet responded to our recommendations.

Distribution

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