№ 0000019

ROUTING AND TRANSMITTAL SLIP

Date 09/16/91

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ~~Norm Niedergang, ADD, OSF~~		9/17
2. ~~Don Bruce, Chief, OM/MN Section~~		9/20
3. Joe Dufficy, Unit Chief		
4. Sheila Sullivan, RPM		
5.		

Action		File		Note and Return	
Approval		For Clearance		Per Conversation	
As Requested		For Correction		Prepare Reply	
Circulate	X	For Your Information		See Me	
Comment		Investigate		Signature	
Coordination		Justify			

REMARKS

Thanks for the timely, high quality response!

Norm 9/17

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No.

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

* U.S. GPO: 1990 — 282-080

-- BLUE COPY --

CONTROLLED CORRESPONDENCE

OFFICE OF THE REGIONAL ADMINISTRATOR (5RA - 14)

FROM : HON. JOHN BOEHNER
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

CONTROL NO : ORAC-000158

DATE RECEIVED : 08/16/91

DUE DATE : 08/30/91

EXTENSION :

CONSTITUENT :

INTERIM :

FINAL DUE DATE :

SUBJECT : REQ. FOR EXTENSION ON USEPA'S COMENTS PERIOD FOR SUPERFUND SITE

ASSIGNED TO : WMD OSF - [redacted] , 8-19-91

DATE : 08/16/91

SIGNATURE : RA

DATE : AUG 3 0 1991

COURTESY COPIES :

1) ORA W/CONTROL SLIP
2) AL W/CONTROL SLIP
3) CANAVAN
4) FREEMAN

SPECIAL INSTRUCTIONS :

COORDINATE EXTENSION REQUESTS WITH APPROPRIATE ORA STAFF PERSON : ORA, 3-1080

OHIO

COMMITTEES
AGRICULTURE
EDUCATION AND LABOR
SMALL BUSINESS

C: WMD
CC: Freeman
Canavan
ORA

Congress of the United States
House of Representatives

WASHINGTON OFFICE
1020 LONGWORTH HOUSE OFFICE BLDG
WASHINGTON, DC 20515
(202) 225-6205

DISTRICT OFFICES
5817 LIBERTY FAIRFIELD ROAD
HAMILTON, OH 45011
(513) 894-6003

12 SOUTH PLUM STREET
TROY, OH 45373
(513) 339-1524

DISTRICT TOLL FREE NUMBER
1-800-888-1001

RECEIVED
AUG 16 1991
U. S. EPA REGION 5
OFFICE OF REGIONAL ADMINISTRATOR

TELECOPIER COVER SHEET

RECEIVED
AUG 05 1991
U. S. EPA REGION 5
OFFICE OF REGIONAL ADMINISTRATOR

DATE: _____

SENT TO: Mary Canavan
EPA

PHONE: _____ FAX NUMBER: 353-1120

SENT FROM: BARRY JACKSON

PHONE: (202)225-6205 FAX NUMBER: (202)225-0704

MESSAGE: The Congressman would like a written response to this request for an extension of the comment period, that is normally 30 days.

THERE ARE A TOTAL OF 5 PAGES INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE THEM OR THERE IS A PROBLEM IN TRANSMITTAL, PLEASE CALL ME AT (202)225-6205.

158

Congressman John Boehner
5617 Liberty Fairfield Rd.
Hamilton, Ohio 45011

AUG 2 1991

August 1, 1991

RE: Request for extension on US EPA's comment period for Superfund Site in Union Township, Butler County

Dear Congressman Boehner:

Please accept this letter as a request for your assistance in the matter of the Skinner Landfill Superfund Site.

CLEAN has received copies of the Health Assessment and the Second Phase of the Remedial Investigation upon request from Sheila Sullivan of US EPA. We are looking at the contaminants that the agencies are aware of and the health risks of those contaminants.

In mid-June, Public Relations Coordinator, Gina Weber informed me that there is a Technical Assistance Grant available for groups like CLEAN. I believe the grant would help our community to understand what the proposed clean up plan will entail, once it is released for public perusal.

CLEAN is concerned that the environmental protection agencies are allowing very little time in their schedules to assess the Feasibility Study (clean up plan) which the US EPA's contractor will release in August. They are entitled to 30 days to review that study; apparently, they are willing to spend about a week reviewing the study in order to meet the comment deadline of September 30. CLEAN wishes for a thorough, well-scrutinized assessment of the clean up plan.

There has been little, if any, investigation into what the risks of the site are via the air pathway. We are aware that there are contaminants which readily evaporate. Many of the known carcinogens are volatile organic compounds (VOCs). At this point, the studies do not include what the risks will be if the site is disturbed and these VOCs are exposed. This is extremely important since there are homes and an elementary school several hundred feet from the site.

It is CLEAN's goal that this site be remedied swiftly, but with a minimal impact upon the health and welfare of our community. Timeliness is important, but correctness is a priority.

We would sincerely appreciate anything you can do to help delay the 30 day comment period, that will end on September 30, so that our group has a fair amount of time for processing of the TAG application by US EPA.

Sincerely yours,

Lisa Whitacre

Lisa Whitacre
6976 Gary Lee Drive
West Chester, Ohio 45069
(513) 779-6026

P.S. The US EPA and OEPA will meet with CLEAN on August 12, to [illegible] discussion of the Health Assessment. You are

C.L.E.A.N.
Citizens Lobby for Environmental Action Now, Inc. / P.O. 903 E. West Chester, OH 45069

Ms. Sheila Sullivan
U.S. EPA 5HS-11
230 S. Dearborn St.
Chicago, Illinois 60604

July 29, 1991

Dear Ms. Sullivan:

Please accept this letter as a formal request for a 6 month extension of the comment period that is scheduled, for the Skinner Landfill Superfund Site, to commence in August when the US EPA makes the Feasibility Study available for public comment.

CLEAN is currently preparing an application for the Technical Assistance Grant (TAG). I understand, from Nancy Koop, TAG Coordinator, that it may take as much as five to seven months for the grant application to be processed. This is one of the grounds for CLEAN's request that the comment period be extended by six months. Because we are requesting a delay, conditional upon the time required for the TAG application to be processed, it would be to everyone's advantage if US EPA could be helpful in expediting the review process.

It is very clear, from the Health Risk Assessment of the Skinner Superfund Site, that US EPA lacked either the funding, or else the will, to include the pupils and staff of Union Elementary School in this study. The Ohio State Board of Health is conducting such a study at this time. It is imperative that this study run its course and that the results be included in the information that will be used to determine the Remedial Action. If our state Board of Health requires more time to properly investigate the health risks of the elementary school population, which is several hundred yards from the Skinner Landfill Superfund Site, then CLEAN requests that the comment period be extended beyond the requested six months..

In addition, because of a CLEAN member's recent inquiries, it has been brought to OEPA's attention that there are water wells in the vicinity which have not been tested for contamination. It is CLEAN's opinion that the environmental agencies should make sure they have incorporated all necessary data in the studies leading up to the Feasibility Study and Remedial Action.

There has been very little opportunity for public involvement because the environmental protection agencies had very little knowledge of the site specifics. Now a huge amount of information is being made available for the US EPA, the Ohio EPA, and the residents of Union Township. The Remedial Investigations and the Health Assessment indicate that the majority of the contaminants are contained and do not pose a serious risk to the general public at this time. With the Feasibility Study due to be completed in August, and a September 30 deadline for the Record of Decision, CLEAN is not confident that sufficient time is being given to attend to the welfare of the public and the environment.

CLEAN wishes to participate in the clean up decision which will be rendered after the Feasibility Study is released for the public. It is our sincerest hope that the environmental regulatory agencies acknowledge the value of well-informed and involved citizenry. Certainly, this is the primary reason for the establishment of the TAG: to create well-informed citizens who have a say in the decision making of critical environmental issues affecting our community.

We are all concerned that this landfill be remedied in a thoroughly responsible manner with minimal risk to the public at large. While timeliness is important, correctness is a priority.

We look forward to your reply on whether an extension of the comment period will be favorably considered.

Sincerely yours,

Lisa Whitacre

Lisa Whitacre, Trustee
CLEAN, Inc. Board of Trustees

6976 Gary Lee Drive
West Chester, Ohio 45069
(513) 779-6026

cc: Mark Lehar, OEPA Site Manager
Rob Berger, OEPA Public Interest Center
Gina Weber, US EPA Public Interest Center
Representative Scott Nein,
Senator Barry Levey
Congressman John Boehner

EVENTS LEADINIG UP TO FINAL RECORD OF DECISION ON SKINNER LANDFILL SUPERFUND SITE UNION TOWNSHIP, BUTLER COUNTY, OHIO

September 1990
The site was closed, and further dumping was prohibited

April 1991
The second phase of the Remedial Investigation (RI) was completed. The purpose of the study was to determine the type of contaminants and the extent of contamination. This was a necessary study because the first phase was not sufficient to determine what the contaminants are.

June 1991
US EPA and OEPA held a public meeting to discuss the second phase of the (RI). Thank you for your attendance.

July 1991
The Health Assessment was completed. The purpose is to determine health risks based upon information from the Remedial Investigations.

August 1991
The Feasibility Study (FS) is due to be complete. The purpose is to help US EPA and OEPA determine what the appropriate clean up plan should entail.
A public meeting will be held to announce the agencies' proposed clean up plan. With this meeting, the public comment period will begin. The public will have 30 days to review the proposed clean up plan and comment on all the studies and proposed plan.

September 30, 1991
The Record of Decision (ROD), which is the final plan for clean up, will be rendered. After the ROD is issued, the agencies are not obligated to consider further citizen comment. Also, US EPA will not consider grant applications received after this ROD.

Yellow Copy

AUG 30 1991

5 RA-14

Honorable John Boehner
House of Representatives
Washington, D.C. 20515

Dear Mr. Boehner:

Thank you for forwarding the letter of August 1, 1991, from your constituents of CLEAN, Inc, regarding the Skinner Landfill Superfund site in West Chester, Ohio. CLEAN's specific request is for assistance in obtaining an extension of the 30-day public comment period for the proposed remedial action plan (Proposed Plan) for the site.

CLEAN's purpose for requesting this extension relates to several concerns expressed in the subject letter. These concerns include: inadequate amount of time for CLEAN to secure a U.S. Environmental Protection Agency (EPA) Technical Assistance Grant (TAG) to assist them in reviewing the documents; insufficient amount of time for the agencies and public to review the Proposed Plan and related documents generated by U.S. EPA contractors; and, lack of investigation into the health risks posed by the air pathways at the site.

In the letter you attached of July 30, 1991, from Ms. Lisa Whitacre of CLEAN to Project Manager Ms. Sheila Sullivan, CLEAN requested a 6-month extension of the 30-day Proposed Plan (PP) public comment period. The extension is needed to compensate for the 5 to 7 months usually required to process a TAG application, however, CLEAN would like the length of this extension to be commensurate with whatever amount of time is required to process the application. Although Ms. Whitacre stated in her letter that CLEAN was only informed of the availability of this grant in mid-June, I would like to point out that an advertisement announcing availability of the TAG and soliciting applications from concerned citizen's groups was published in the Pulse-Journal of Mason, Ohio, on June 22, 1988 (see attachment).

I understand that CLEAN is preparing the TAG application and that it has yet to be filed with our office. It is also important to realize that in addition to the time required for receiving and processing the application itself, additional months could be needed for CLEAN to hire the necessary expertise, and to allow

their consultant to acquire sufficient familiarity with the site-related documents and PP before they can achieve effective results. Therefore, it is realistic to conclude that 6 months may really be a minimum estimate for the extension.

The U.S. EPA and Ohio EPA staffs have been responsive to CLEAN's needs for technical assistance by making every effort to facilitate CLEAN's understanding of the Remedial Investigations (RI) and Baseline Risk Assessment reports. This has involved meeting with CLEAN at their request on several occasions to explain and discuss the reports' contents. This included a meeting on August 12, when U.S. EPA and Ohio EPA staffs presented a preview of alternatives under consideration for the site.

Under the National Contingency Plan, the U.S. EPA is required to grant 30-day extensions to the public comment period to requestors. In order to be considered for an extension, CLEAN should submit a written request detailing the exact length and rationale to Ms. Sullivan as soon as the public comment period has started. It is my understanding that Ms. Sullivan and Ms. Whitacre have discussed the attendant procedures.

The U.S. EPA and Ohio EPA encourage and appreciate the input and assistance of concerned and well-informed citizens, such as CLEAN, during the Superfund remedial process. We also believe that the chosen remedial solution must be technically sound and appropriate for the site conditions, acceptable to the community, and capable of achieving our goals of public health and environmental protection. Our concern regarding an extension is that delaying the multi-staged remedial process for an unknown amount of time would impact the overall clean up schedule by more than just the length of the comment period extension, and ultimately the health and welfare of the community.

In order to respond to CLEAN's concern that the U.S. EPA and Ohio EPA are not allowing adequate time for their respective reviews of the Feasibility Study (FS) and PP, it is important to first understand the origin and intent of these documents. The FS is based on the results of the RI and Baseline Risk Assessment and serves to identify and evaluate in detail, several clean up alternatives and remedies that are designed to protect human health and the environment.

Typically, the RI and FS are conducted concurrently, making the development and analysis of alternatives an interactive process, in which potential alternatives and remediation goals are continually refined as new RI information becomes available. Therefore, the U.S. EPA and Ohio EPA project managers have been working with this site information and discussing various potential site alternatives for nearly a year. The newly available baseline risk assessment information has served to confirm the level of protectiveness that will need to be achieved at the

site, allowing us to narrow our focus to the most promising alternatives. When the final FS is released to the public, the agencies will have spent many months in its review and development.

The PP is intended to facilitate public participation in the remedy selection process by identifying the preferred alternative for a remedial action at a site, describing other remedial options that were carried through detailed analysis in the FS, soliciting public review and comment on all alternatives, and providing information on how the public can be involved in the remedy selection process. The U.S. EPA will not release the PP document to the public unless there is full confidence in the preferred alternative's effectiveness.

Regarding air risks at the site, exposure to site contaminants from the air pathway was discussed with CLEAN during the August 12 meeting. The preliminary air pathway analysis and qualitative assessment at the site did not warrant a quantitative risk assessment. Under the current conditions at the site, risks posed via the air pathway are negligible when compared to site risks from other exposure pathways. We are currently conducting a quantitative assessment of air risks that could occur during site remediation or under future land use scenarios. These scenarios primarily include excavation of the most contaminated portion of the site (buried waste lagoon) and would be expected to pose the highest air risks to the onsite and adjacent populations.

I hope this information has been helpful in clarifying our activities and objectives at the Skinner Landfill site. We will be happy to continue meeting with CLEAN as needed, to explain further site activities and to receive their input and concerns. If you have any further questions, please do not hesitate to contact me.

Sincerely yours,

/s/ original signed by
Valdas V. Adamkus

Valdas V. Adamkus
Regional Administrator

Enclosure

cc: ORA w/control slip
M. Canavan
AL w/control slip
R. Freeman

8/27/91

8/28/91

8/30/91.

8/30

8/30

8/29/91

cc: ORA w/control slip
M. Canavan
AL w/control slip
R. Freeman

bcc: M. Lehar, Ohio EPA, Southwest District Office
F. Bartman
J. Dufficy
D. Bruce
G. Weber