UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

October 2, 2008

Ms. Rebecca Bowe
Mountain Xpress
2 Wall Street
Asheville, North Caroina 28801

RE: Removal activities at Mills Gap Site

Dear Ms. Bowe:

Thank you for your efforts in keeping the public informed on events at the Mills Gap Site. The purpose of this letter is to offer a few points of clarification relative to the Action Memorandum[1] and of comments[2] that I made during a public meeting held on October 29, 2007. I felt compelled to respond to you directly and clarify some of the misconceptions after Buncombe County forwarded your email. Congressional staff and a member of the North Carolina legislature were included in the address list for that email. I am certain that the inaccuracies were unintended and hope that my comments shed some light on the purpose and scope of the removal action at the Site.

As you are likely aware, the United States Environmental Protection Agency (EPA) executed an Administrative Order on Consent (AOC or Order) with the CTS Corporation and Mills Gap Associates (Respondents) on January 22, 2004[3]. The Order directed the Respondents to implement a Removal Action at the Mills Gap Groundwater Contamination Site. An Action Memorandum dated April 4, 2002 authorized enforcement of that removal action under the authority of the National Contingency Plan (NCP).

The purpose of the NCP[4] is to provide the organizational structure and procedures for preparing and responding to releases of hazardous substances. It distinguishes between removal and remedial actions. Removals focus on the stabilization of a release or threat of release and mitigation of near-term threats while remedial actions are consistent with permanent remedies that require long term study. Therefore groundwater remediation is essentially outside the scope of the removal program[5]. The unsaturated zone[6] is defined as the body of soil, unconsolidated sediment, and/or rock that lies above the water table (i.e. does not contain groundwater). The saturated zone, located beneath the unsaturated zone, contains groundwater.

The scope of the removal action at the Mills Gap Site is laid out in the Action Memorandum. This document clearly defines that removal activities were intended to address contaminants in the unsaturated zone at the Site. Groundwater treatment was not specified. Under the "Threats" section of the memorandum (III.A.iii) I write that, "both field and laboratory data collected during site characterization confirm that hazardous substances remain in the unsaturated zone (emphasis added) at the site."

In Section V.A.1 (Proposed Action Description) the objective of the removal action is stated as, "substantial reduction of the mass of hazardous substances in the unsaturated zone

(emphasis added) beneath the former plant building." In Section V.A.2 (Contribution to Remedial Performance) I acknowledge that groundwater treatment is beyond the scope of the removal program and that, "eliminating or minimizing sources of contamination in the unsaturated zone (emphasis added) will contribute toward long term cleanup goals if further remedial actions are necessary." Finally I include in Section VI the statement that, "unless removal actions are initiated and completed the contaminants within the unsaturated zone (emphasis added) will continue to be a source of groundwater and surface water contamination." When in the public meeting, I spoke of the "the option of doing the work ourselves" in no way was I referring to direct groundwater or saturated zone cleanup via the emergency response program. Rather, I was referring to EPA options had CTS not completed the construction of the SVE system. Similarly, other removal actions could have been contemplated had the SVE not succeeded in contaminant removal from the unsaturated zone.

I do not agree with the assertion that the Soil Vapor Extraction (SVE) system has "not . . . produced any successful results." To date, the system has removed over 3,600 pounds of contaminants from the unsaturated zone, which is precisely what it is designed to do. And the system continues to operate effectively. Additional groundwater investigation being conducted by the North Carolina Department of Environment and Natural Resources (NC DENR) Inactive Hazardous Sites program will determine the need for any groundwater remediation at the site.

When David Dorian became the OSC in June 2007, he expressed concern that the SVE system may not succeed in reducing TCE levels in surface water at the springs on the Rice property. David scheduled sampling of the springs and when analysis of those samples indicated that contaminant levels had not dropped significantly, he enforced the section of the AOC which required evaluation of removal technologies for the springs. As a result of David's efforts, EPA and the Respondents have identified ozonation as a potential treatment method for dealing with contaminated water discharging at the springs. David has renegotiated the Statement of Work under the AOC to include pilot scale testing of ozonation followed by full scale implementation, provided that the pilot scale operations prove successful.

OSC, David Dorian has been a tireless advocate for bringing all resources to bare at the site. He has reached out and partnered with the DENR Inactive Hazardous Sites Branch (IHSB) program to ensure a groundwater cleanup. Recently, EPA's Site Evaluation Program conducted additional residential well sampling in an on-going effort to update the National Priorites List (NPL) Hazard Ranking System (HRS) scoring for the site. The Site Evaluation Program at EPA continually reassesses sites for NPL eligibility based on new information.

Again, thank you Ms Bowe for your time and efforts. I hope the community will choose to partner with DENR as we have here at EPA. The combined actions of EPA and DENR are intended to ensure that a protective site cleanup is completed.

Sincerely,

James W. Webster, Ph.D.
Chief, Removal Management and Oil Section
Emergency Response and Removal Branch

[1] An Action Memorandum is a document summarizing the threats or potential threats existing at a proposed removal site; the proposed actions at that site; requested funding (for Fund-lead actions); and which documents approval for implementation of the action.

[2] Comments contained in a transcript of a public meeting held on October 29, 2007 at the Skyland Fire Department, Skyland, North Carolina.

[3] Administrative Order on Consent for Removal Action. Mills Gap Road Groundwater Contamination Site. CERCLA Docket No. CER-04-2004-3755.

[4] The Code of Federal Regulations Part 300. The portion of the NCP that addresses hazardous substance response is contained in Subpart E of that document. A Removal Action is defined

[5] For example, the preamble to the NCP (FR 55:46 p. 8695) states that, "removals must be protective of human health and the environment within their defined objectives (emphasis added), removals are distinct form remedial actions in that they may mitigate or stabilize the threat rather than comprehensively address all threats at a site," (emphasis added). A listing of appropriate removal activities is given under Section 300.415 of the NCP. Though the list is not exhaustive, groundwater remediation is conspicuous by its absence.

[6] The unsaturated zone is also referred to as the vadose zone. The saturated zone is also referred to as phreatic zone. Within an unconfined aquifer, the boundary between the unsaturated and saturated zone is referred to as the watertable.