



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 13 2011

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Chuck Stewart, President and COO  
Walter Coke Inc.  
Post Office Box 5327  
3500 35<sup>th</sup> Avenue North  
Birmingham, Alabama 33618

SUBJECT: Final Residential Soils Cleanup Values  
Residential Sampling Report-Conditional Approval  
Requirement for Remediation Work Plan to Address Benzo(a)pyrene and Arsenic  
in Soils in Fairmont, Harriman Park and Collegeville Neighborhoods  
RCRA Section 3008(h) Administrative Order  
Docket No. 89-39-R  
Birmingham, Alabama  
EPA ID No. ALD 000 828 848

Dear Mr. Stewart:

The U.S. Environmental Protection Agency (EPA) is hereby informing you of the final cleanup values for the residential soils in the Fairmont, Harriman Park and Collegeville Neighborhoods located adjacent to your facility in Birmingham, Alabama. The values were established after determining background levels, after having numerous meetings between Walter Coke, Inc., and EPA, and after detailed analysis of all the data provided by Walter Coke and obtained by EPA. The cleanup value for residential soils contaminated with benzo(a)pyrene (BaP) toxicity equivalent quotient (TEQ) is **1.5 mg/kg** and the cleanup value for soils contaminated with inorganic arsenic is **37.0 mg/kg**.

On December 18, 2009, Walter Coke submitted the Residential Sampling Report (RSR) to EPA. EPA originally provided you comments on August 6, 2010. After numerous discussions on the RSR and verbally providing you additional comments during a teleconference held on February 11, 2011, EPA hereby conditionally approves the RSR dated December 18, 2009, with the revisions/deletions contained in the enclosed comments. This letter supplants the August 6, 2010, letter. Pursuant to Section VI, Paragraph 11, of the Administrative Order, Docket No. 89-39-R (Order), Walter Coke is required to resubmit the RSR to EPA (addressed to

the undersigned) within thirty (30) calendar days of the date of this letter at the above address as a final document by revising/omitting the sections, tables, figures and maps as specified in the comments.

In addition, pursuant to Section VI, Paragraph 11, of the Order, EPA requests that Walter Coke submit a Residential Off-Site Remediation Work Plan (Remediation Work Plan) for those properties presented in the RSR that have values exceeding the EPA established soil cleanup values for BaP TEQ and/or inorganic arsenic. Per our discussion, the Remediation Work Plan must contain schedules for implementation of cleanup, but the schedule can be tiered showing those impacted properties with the highest value being remediated first and ending with eventual remediation of all identified properties exceeding the EPA established soil cleanup values for BaP TEQ and inorganic arsenic. Walter Coke is required to submit the Remediation Work Plan to EPA (addressed to the undersigned) by April 29, 2011, at the above address.

On April 12, 2011, EPA and Walter Coke met to discuss further assessment/cleanup of the subject neighborhoods. EPA agrees that, at the time Walter Coke and EPA enter into a new Administrative Order on Consent (AOC) pursuant to Section 3008(h) of RCRA for the assessment/cleanup activities in the subject neighborhoods, the Remediation Work Plan and all work performed (or remaining work) pursuant to that Remediation Work Plan will be incorporated into the new AOC.

For questions regarding this correspondence, please contact Karen Knight, Chief, Corrective Action Section, at 404-562-8885 or by electronic mail at [knight.karen@epa.gov](mailto:knight.karen@epa.gov). Legal inquiries should be directed to Joan Redleaf Durbin, Associate Regional Counsel, at (404) 562-9544 or by electronic mail at [redleaf-durbin.joan@epa.gov](mailto:redleaf-durbin.joan@epa.gov). You can also contact me at (404) 562-8569 or [pallas.jeff@epa.gov](mailto:pallas.jeff@epa.gov).

Sincerely,



Jeffrey T. Pallas, Chief  
Restoration and Underground Storage Tank Branch  
RCRA Division

Enclosure

cc: Metz Duites, ADEM  
Jarry Taylor, Esq

**EPA Comments on the Residential Sampling Report  
Walter Coke, Inc.  
Birmingham, Alabama**

- 1) In Section 3.2 Comparison to EPA Target Risk Levels
  - Assume 60% bioavailability for arsenic
  - Remove all reference to ELCR
  - Add direct comparison to the risk based concentration level for BaP TEQ at 1.5 mg/kg.
  - Add direct comparison to hazard index (HI) 1 for arsenic at 37 mg/kg.
- 2) Remove Section 3.3 Background Considerations
- 3) Remove Section 3.4 Spatial Trend Analysis
- 4) Change Figures 3-5 to 3-9 to reflect properties that exceed 1.5 mg/kg for BaP (remove all reference to ELCR) and properties that exceed 37 mg/kg for sieved inorganic arsenic at 60% bioavailability.
- 5) Remove Section 3.5 Additional Observations
- 6) Remove Section 3.5.1 AEROMOD Modeling
- 7) Remove Section 4.0 Conclusions
- 8) On Table 3.2 remove bold from the concentrations based on ELCR exceedance. Re-bold concentrations that exceed 1.5 mg/kg for BaP TEQ and 37 mg/kg for arsenic at an HI 1 for 60% bioavailability.
- 9) Revise Table 3-3 to reflect properties and samples that exceed BaP TEQ 1.5 mg/kg and Arsenic 37 mg/kg. The “Summary by Neighborhood” should be changed accordingly.
- 10) Remove Tables 3-4, 3-5, and 3-6.
- 11) On Figures 3-1, 3-2, 3-3 change notes on map and color code to reflect BaP TEQ greater than 1.5 mg/kg and sieved arsenic greater than 37 mg/kg (Remove any reference to ELCR). Remove the color code for properties potentially biased by residential activities.
- 12) Remove Figure 3.4
- 13) On Figure 3.10 make changes to reflect properties exceeding 1E-4 for BaP TEQ at 1.5 mg/kg and arsenic at 37 mg/kg.
- 14) Delete Figures 3-11 through 3-16.