



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

AUG 4 - 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Chuck Stewart, COO
Walter Energy, Inc.
Post Office Box 5327
3500 35th Avenue, North
Birmingham, Alabama 33618

Subject: Hudson School (Collegeville) Voluntary Investigation and Cleanup Report
Walter Coke, Inc., Birmingham, Alabama
June 17, 2011
Section 3008(h) Administrative Order
Docket No. 89-39-R
EPA ID No. ALD 000 828 848

Dear Mr. Stewart:

The Environmental Protection Agency has received the Voluntary Investigation and Cleanup Report for the Hudson School (Collegeville) dated June 17, 2011, which was submitted by Walter Coke, Inc. The Hudson School Report included details of the soil investigation activities which took place during July 13-28, 2009 (2009 sampling event), and later, from August 31 to September 1, 2010 (2010 sampling event), after construction of the new Hudson K-8 School was completed. School soil remediation work was completed by Walter Coke, Inc., on June 8, 2011.

On July 20, 2011, the EPA Region 4's Resource Conservation and Recovery Act (RCRA) Division sent comments on the Hudson School Report by electronic mail to Walter Coke, Inc. In a conference call on July 19, 2011 with Walter Coke, Inc., the EPA relayed that its primary concern was the soil in the vicinity of the former Hudson School playground located on the south side of the building. Elevated levels of arsenic and Benzo(a)pyrene toxicity equivalents were detected in these soils at the playground during the 2009 sampling event. Following this call, Walter Coke provided supplemental sampling and analytical information addressing the soils in the vicinity of the playground that had been resampled during the 2010 sampling event. As a result of this supplemental information, the EPA's RCRA Division concludes that based on Walter Coke's analytical data, the soils at the school do not exceed a human health risk level of 1 in 10,000 for Benzo(a)pyrene toxicity equivalents or a hazard index of 1 for arsenic.

For questions regarding this correspondence, please feel free to call Karen Knight, Chief, Corrective Action Section at 404-562-8885 or by electronic mail at knight.karen@epa.gov, or me. If you prefer, your attorney can contact Joan Redleaf Durbin, Associate Regional Counsel at (404) 562-9544 or by electronic mail at redleaf-durbin.joan@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael" followed by a stylized flourish.

For Jeffrey T. Pallas
Acting Deputy Director
RCRA Division

cc: Metz Duites, ADEM
Sonja Favors, ADEM
Dr. Craig Witherspoon, Superintendent, Birmingham City Schools
Wayne Studyvin, Director of Environmental Health, Jefferson County Schools