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11/2/93

October 27, 1993

Edward J. Hanlon, Project Manager
US EPA Office of Superfund
HSRM-6J
77 West Jackson Blvd
Chicago, Il 60604-3590

Dear Mr. Hanlon:

Thank you for your detailed response summary dated 6/28/93 resulting from the May 26 and May 27, 1993 public meetings about the Fields Brook Superfund Site and Ashtabula River. Your prompt response to the many questions raised at the two meetings is greatly appreciated by the Ashtabula River Remedial Action Plan (RAP) Advisory Council. At this time, we are writing to you in regard to Superfund designation for the Ashtabula River.

As you are probably already aware, the RAP Council has opposed a formal Superfund designation for the river in the past. Specifically, we reference a letter to Val Adamkus, US EPA Director dated August 7, 1991 wherein the RAP provides a resolution stating said opposition. A copy of this correspondence is enclosed for your information.

As a result of the meetings held in Ashtabula during May and your 6/28/93 response letter, the RAP Council has been re-evaluating its position about Superfund designation for the river. More information is needed before a final decision can be made by Council members. Prior to any formal designation of the river as a Superfund Site, we would appreciate an opportunity to discuss several areas of interest with you, as listed below.

- 1) Who ultimately decides on a Superfund designation? What is the basis for such a decision? What influence, if any, can the RAP Council exert on the decision-making process?
- 2) Is the proposed sediment transport model a prerequisite for river cleanup? If so, why?
- 3) Does Superfund require cleanup to a certain level, say 50 ppm for PCB, or is cleanup based upon risk assessment?
- 4) What timeline is likely for river cleanup under Superfund?

Advisory Council Co-Chairs

Carl Anderson
2918 Fairview Dr.
Ashtabula, Ohio 44004
(216) 988-1969

Leonard Eames
2000 Great Lakes Ave.
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(216) 987-5080

Edward J. Hanlon
Page 2
October 27, 1993

5) How extensive of a cleanup would be likely? The RAP Council prefers a fullscale river cleanup from bank-to-bank to bedrock.

6) If something less than fullscale river cleanup is conducted, who is liable in the event of an "act of God", (i.e. 100 year flood, severe ice scouring) whereby toxic sediments currently buried at depth become available once again for transport? What remedies would/could be invoked?

7) Will the functions of the RAP change under Superfund? Currently, the Ashtabula RAP Council is working on a Stage 2 river cleanup plan whereby remedial designs, cost options and implementation schedules are being developed.

8) How best can the Ashtabula RAP Council, Ohio EPA, US EPA, Corps, etc. work in concert on the cleanup under Superfund?

9) Is there a possibility of adding to any PRP contribution (for river cleanup) by combining multiple funding sources from ARCS, Superfund, Ohio EPA, US Army Corps, Ashtabula community, etc, if a Superfund remedy does not provide a fullscale cleanup?

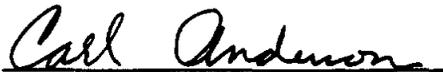
Please consider attending an upcoming RAP meeting to discuss these topics. As an option, we are agreeable to meeting with you and your staff in Chicago.

Please don't hesitate to call or write to us, if you have any questions. We may be reached by calling:

Carl Anderson
(216) 993-1969 (home)
(best before 8:30 am)

Leonard Eames
(216) 352-0760 (work)
(216) 997-5060 (home)

Sincerely,



Carl Anderson
Ashtabula RAP Co-Chair



Leonard Eames
Ashtabula RAP Co-Chair

Enclosure

cc: Natalie Farber, Ohio EPA, RAP Coordinator
Brett Kaull, US Rep Eric Fingerhut Office
Betty Jane Layport, US Rep Eric Fingerhut Office
Amy Pelka, US EPA, Water Division
Julie Letterhos, Ohio EPA, DSW
Regan Williams, Ohio EPA, DERR, NEDO
Frank Lichtkoppler, Ohio Sea Grant
File



C: WMD
cc: CANAVAN
FALLMA
ORA
GINPO
WATER
PMD

August 7, 1991

U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago IL 60604

Attention: Mr. Val Adamkus, Director

SUBJECT: Ashtabula River Remedial Action Plan (RAP) Advisory Council
Resolution Concerning the Ashtabula River.

Dear Mr. Adamkus:

The dredging of the Ashtabula River has and continues to be a major project in Ashtabula County which local citizens, political leaders, environmentalists, industry, regulatory agencies, and many others are working to complete. The RAP organization is a group that formed to represent citizens from all the above areas.

The RAP is concerned that the USEPA may be considering making the Ashtabula River a Superfund site and project relating to Fields Brook.

The RAP therefore, in support of its position on this matter, offers the attached resolution in an effort to make certain the USEPA is informed.

Your attention to this matter will be appreciated. If you have any questions, please contact me at your convenience.

Very truly yours,

Carl J. Anderson
Co-Chair,
RAP Advisory Council

RECEIVED

AUG 28 1991

U. S. EPA REGION 5
OFFICE OF REGIONAL ADMINISTRATION

CJA:cws

Attachment

Advisory Council Co-Chairs

Carl Anderson
2010 Fairview Dr.
Ashtabula, Ohio 44004
(216) 938-1888

Jack Phelps
2000 Great Lakes Ave.
Ashtabula, Ohio 44004
(216) 937-4000

RESOLUTION



RESOLUTION

WHEREAS, the Ashtabula River Remedial Action Plan (RAP) Advisory Council does not want the Ashtabula River to be declared a Superfund site or declared a part of another Superfund site;

WHEREAS, our experience with Superfund at the Fields Brook site has been extremely frustrating and disappointing;

WHEREAS, the need to raise cleanup funds from individual waste contributors at the Fields Brook site has made the cleanup process itself inefficient and also resulted in an enormous waste of resources;

WHEREAS, holding companies who acted lawfully liable for activities that occurred years ago is both unfair and may result in significant adverse harm to local companies, their employees, and the Ashtabula economy;

WHEREAS, neither the United States Environmental Protection Agency nor the Ohio Environmental Protection Agency are to blame for the problems and, in fact, have tried their best for a decade to make a bad system work and;

WHEREAS, we do not want to experience another cleanup process like the one at Fields Brook;

Now therefore be it resolved that the RAP Council calls on Congressman Dennis Eckart, Senator Howard Metzenbaum, Senator John Glenn, the entire U.S. Congress and Bush Administration to reform the Superfund cleanup fundraising system as soon as possible, and not wait until 1995 when the law is scheduled to expire, and be it;

FURTHER RESOLVED, that a new Superfund system should emphasize cleanup rather than trying to assess past liability, and should adhere to at least the following guidelines:

1) Create a much larger Superfund funded by business and taxes so EPA's entire emphasis is on prompt, long-term cleanup, thereby eliminating the need to raise funds on a site-by-site basis and the need for EPA and private parties to spend enormous sums on lawyers and consultants arguing over who should pay;

2) Enable citizens to get much more involved in the cleanup process early and with adequate resources to evaluate the dangers and potential remedies; and

3) Hold companies and institutions directly responsible for waste disposal practices going on today and in the future, but eliminate the impractical and inefficient effort to assign liability for actions that occurred years ago and were often lawful at the time, as well as holding other companies and institutions responsible, as appropriate.

Advisory Council Co-Chairs

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Jack Phelps
2000 Great Lakes Ave.
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(216) 937-6000



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN STREET

CHICAGO, IL 60604



9/9/91

REPLY TO THE ATTENTION OF:

5RA-14

Carl J. Anderson, Co-Chair
Remedial Action Plan Advisory Council
2916 Fairview Drive
Ashtabula, Ohio 44004

Dear Mr. Anderson:

This letter is in response to your August 7, 1991, correspondence which presented the Ashtabula River Remedial Action Plan (RAP) Advisory Council's Resolution expressing your concern that the Ashtabula River may become a Superfund site or part of another Superfund site. In your letter and Resolution you expressed your frustration and disappointment with the Superfund process at the Fields Brook Superfund site, and make it clear that the RAP Advisory Council does not want the Ashtabula River to be declared a Superfund site. Through your resolution, you call on Congressman Eckart, Senator's Metzenbaum and Glenn, the entire U.S. Congress and the Bush Administration to reform the Superfund cleanup fundraising system as soon as possible, and not wait until 1995. Your letter and the resolution further provide guidelines on which a new Superfund Program should be based, namely to: 1) create a much larger taxing authority and eliminate the need to expend resources to determine liability on a site-by-site basis; 2) enable citizens to get more involved earlier in the Superfund process and provide citizens adequate resources to evaluate the potential risks and remedies; and 3) hold companies responsible for waste management practices in a prospective manner, and eliminate the efforts to assign liability for past practices which may have been done in a lawful manner at that time.

In response to your letter, the United States Environmental Protection Agency (U.S. EPA) shares your concerns regarding the significant efforts required by law and regulation to properly characterize the nature and extent of contamination, determine the risks, and assess, select, design and construct the ultimate remedy under Superfund. As you are aware, the Superfund Statute requires that U.S. EPA maximize responsible party work at Superfund sites through the use of enforcement authorities provided by Congress, as well as coordinate with and consider comments from the public and responsible parties associated with the site throughout the entire Superfund process. Although these due process requirements make cleanup efforts necessarily time-consuming, particularly at complex, multi-source sites such as Fields Brook, the most appropriate remedies for the given site are ultimately chosen and implemented.

The U.S. EPA welcomes ideas on how to make the Superfund process more efficient and less burdensome to the public. I have forwarded a copy of your letter and Resolution to Don R. Clay, U.S. EPA's Assistant Administrator for Solid Waste and Emergency Response (OSWER) in Washington D.C. Specifically, OSWER's Policy Analysis and Regulatory Analysis Staff will be managing the Superfund reauthorization efforts for U.S. EPA, and is also being forwarded a copy of your letter and Resolution. Mr. Clay's office and staff have assured us that they will carefully consider the concerns and suggestions you have raised to improve the Superfund program, and will also elevate them to the attention of members and staff of the U.S. Congress during the Superfund reauthorization planning efforts over the next two years.

In response to your guideline to enable citizens to get more involved earlier in the Superfund process and provide citizens adequate resources to evaluate the potential risks and remedies, U.S. EPA conducts interviews with communities before the beginning of field investigatory efforts to solicit public concerns and information needs and to learn how and when citizens would like to be involved in the Superfund process. A formal community relations plan is then prepared which specifies the community relations activities to be conducted at the site. U.S. EPA is required to establish at least one information repository at or near the location of the site, which contains information made available about activities at the site, including information describing the Technical Assistance Grant's (TAG) application process, whereby interested citizen's groups can obtain funding to assist their review of site investigation and cleanup activity. The information repositories for the Fields Brook site are the Ashtabula Public Library and the Kent State (Ashtabula Branch) Library.

The U.S. EPA encourages citizens to apply for TAGs as early as possible in the Superfund process, in order to provide funds for citizens to obtain independent technical assistance to help learn about site activities. Although no TAG request has yet been made by citizens for the Fields Brook site, U.S. EPA remains available to assist citizens through the application process if so desired. In addition, U.S. EPA encourages responsible parties at Superfund sites to provide grants to communities to enable them to obtain independent technical assistance as a complement to, and separate from, the U.S. EPA TAG program. We can provide you and the responsible parties with information and advice regarding how such PRP grants have been used successfully at other Superfund sites.

In response to your concern that the Ashtabula River may become a Superfund site or part of a Superfund site, the objectives of the ongoing river investigation are threefold: to evaluate the nature and extent of sediment contamination in the river and harbor near Lake Erie; to investigate the potential sources of contamination; and to investigate the potential impacts of the contamination on the City of Ashtabula's water supply. Contamination found in Fields Brook sediment has potentially migrated into the river sediment, and it may be necessary and appropriate to remediate those contaminants as part of the Fields Brook remediation activities to provide for protection of human health and the environment. Information from the river investigation is needed before decisions can be made whether remediation will be necessary, as well as whether such remediation should be addressed under Superfund. Please be assured that the public will be given the opportunity to review the findings of the river investigation, and that the RAP Advisory Council's concerns will be fully considered when determining how to manage and address the river contamination.

If you have any questions or would like to further discuss this matter, please let me know.

Sincerely yours,


Valdas V. Adamkus
Regional Administrator

cc: Don R. Clay, Assistant Administrator, Office of Solid Waste and Emergency Response (OSWER)
Policy Analysis and Regulatory Analysis Staff Office, OSWER

bcc: ORA w/control slip

M. Canavan, ORA

R. Freeman, ORA

F. Rollins, OSF

Estelle Patterson, WMD ORAC-000267

John B. (Bill) Hanson, OSWER, U.S. EPA Headquarters,

MC: OS-100

Sven-Erik Kaiser, OSWER, U.S. EPA Headquarters,

MC: OS-110

Karla Auker, OEPA

Julie Letterhall, OEPA

EHANLON:EH:OSF:RERB:MN/OH Unit #1:10/19/90 PUBLIC(RAPADTR)