

Walter Coke, Inc.  
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[www.walterenergy.com](http://www.walterenergy.com)

August 19, 2011

Jeffrey T. Pallas, Chief  
Restoration and Underground Storage Tank Branch  
U.S. Environmental Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8960

Subject: Walter Coke, Inc., Birmingham, AL  
EPA ID No. ALD 000 828 848  
Residential Soil Remedial Action Work Plan (June 2011)  
Progress Report #2 - August 19, 2011

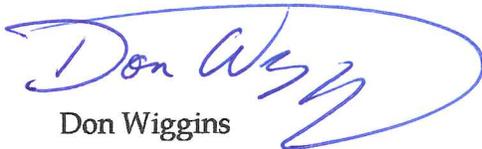
Dear Mr. Pallas:

Attached is Progress Report # 2 for August 19, 2011, specified by the *Residential Soil Remedial Action Work Plan (RAWP)-Phase 1*, approved by EPA in June 2011. As mentioned in our July progress report, despite significant effort Walter Coke has not been able to obtain access to all 23 properties, and appreciates EPA's assistance during the last reporting period in obtaining access to one property. We currently have clear access to 8 properties, and to date have completed or are well under way with remediation of 5 of these 8 properties.

We had previously asked EPA to complete the progress chart indicating its concurrence with tasks completed to date, but so far we have received no such concurrence. We would appreciate your looking into this issue for us.

If you have any questions, please call me at (205) 808-7972.

Sincerely,



Don Wiggins

enc:

## Residential Soil Remedial Action Work Plan (RAWP)

### Progress Report #2 – August 19, 2011

Walter Coke, Inc., Birmingham, Alabama

EPA ID No. ALD 000 828 848

#### 1. A description of the work completed during the reporting period

Table 1 provides an update of the RAWP scheduled activities and our progress toward completion. Work activities consisted of the following:

- Obtaining access agreements – the details of the efforts to obtain access agreements for the 23 properties are provided in Table 2. A summary follows:
  - Per Progress Report #1, EPA offered to assist Walter Coke with those properties for which Walter Coke was unsuccessful in obtaining access. EPA has been able to obtain access for one of these properties (ID 11), and also has obtained information to contact the owner of ID 20. The remaining properties that EPA is assisting with include 3 properties (IDs 3, 15, 17) whose owners have specifically declined access or are undecided with no reason being given, and property ID 13, which despite repeated attempts, contact with the owner has yet to be made.
  - To date, signed and cleared access agreements have been obtained for a total of 8 properties; this total now includes the named plaintiff (ID 22) in the filed toxic tort class action against Walter Coke following the owners' consent through her legal counsel, as well as ID 11 for which EPA was able to obtain access.
  - 10 properties are on hold per instruction from the Hare Wynn law firm. This law firm represents these, and other, owners and has requested that any soil removal be delayed until the law firm completes its own sampling of the properties. The law firm indicated it expected to complete its sampling by August 31, 2011, but Walter Coke has received no update from the law firm. Walter Coke will not be able to perform soil removals at these properties until notified by the law firm. Note that, before being notified of their representation by this law firm, 5 of the 10 property owners had already given Walter Coke signed access agreements, but these 5 agreements are on hold pending the law firm's completion of sampling. Walter Coke has requested that the Hare Wynn law firm provide signed access agreements for the remaining 5 properties.
- Conducting initial property inspections, once signed access was obtained – 6 property inspections were completed this reporting period; a total of 11 inspections completed to date (see Table 2 for specifics).
- Analytical results of the backfill source were obtained on July 20 (preliminary data package); final data package obtained on August 3. The source was confirmed suitable for use as backfill.
- ADEM Waste Certification # SW-073113-0053, for disposal of excavated soils from various yards and gardens near the Walter Coke facility, was obtained July 27, 2011.

- Remediation began on August 2, 2011, and proceeded as follows:
  - **Property No. 12** was excavated August 2-3, backfill was completed August 3-4, and landscaping/sod work was completed August 4. The mailbox was cemented back in place and the post-inspection walk-thru was conducted with the owner/resident on August 5. The owner/resident was happy with the work done, and signed off on the post inspection report with no additional requests or comments.
  - Excavation and backfill (with topsoil) at the Garden at **Property No. 6** was completed August 4. Slag, iron, and coke fragments were found in excavated soil at Property No. 6; fragments (some baseball-sized) were catalogued. On August 5, the post-inspection was conducted; the owner/resident was happy with the work, and signed off on the post inspection report with no additional requests or comments.
  - On August 3, in preparation for excavation, the large tree at **Property No. 19** was cut down and the stump removed by the tree service hired by Walter Coke. Owner was very happy with result. Excavation was completed August 5-9. Approximately 25% of the excavated material at Property No. 19 contained what appeared to be construction debris (roofing tar, asphalt, bricks, etc.), slag, tires, bottles, iron fragments, concrete pilings, and a drum bottom. Backfill was completed August 9-10; sod work was completed on August 11. On August 18, the post-inspection was conducted; the owner/resident was happy with the work, and signed off on the post inspection report with no additional requests or comments.
  - Excavation and backfill of **Property No. 8** was completed August 11-17. After excavation of the left yard, a post-excavation sample was collected on August 12 per the approved RAWP, and submitted to the lab for quick turnaround analysis. A copy of the analytical results for this confirmation sampling event is enclosed. The results indicate that the BaP TEQ concentration in the excavation area composite sample was 3.6 mg/kg which exceeds the cleanup level of 1.5 mg/kg. Pursuant to the RAWP, therefore, an additional 1 foot of soil was removed from the left yard on August 17. Backfill and sod work were completed on August 18. Following replacement of the driveway, the post-excavation inspection will be scheduled.
  - Excavation of **Property No. 10** was initiated on August 18.

## 2. Summary of problems or potential problems encountered during the reporting period

- After obtaining access to Property ID 7, and completing the initial property inspection and utility clearance, Walter Coke was notified by the owner that he is now represented by the Hare Wynn law firm. Therefore, 10 properties are now on hold per instruction from the Hare Wynn law firm. Of these 10 properties, Walter Coke had already obtained access to 4, which access is now on hold pending further instructions from the Hare Wynn law firm.
- Property IDs 3, 15, and 17 have either denied access or are undecided at this time – these properties were identified for EPA assistance.

- To our knowledge, despite multiple attempts, contact has not yet been made with the owner of Property IDs 13 – refer to Table 2; this property is unrelated to the Hare Wynn law firm.
- During excavation of Property IDs 6 and 19, the excavated soil contained construction debris (roofing tar, asphalt, bricks, etc.), slag, iron, and coke fragments, tires, bottles, concrete piling, and a drum bottom – several of these materials represent potential sources of PAH and arsenic contamination unrelated to any air deposition.

### **3. Actions being taken to rectify problems**

- EPA was able to assist with access at one property (ID 11), and has obtained contact information for property ID 20.
- Walter Coke will maintain contact with the Hare Wynn law firm for their assistance in obtaining access at the 5 properties whose owners they represent, for which the owner had not previously granted access (IDs 1, 5, 14, 16, and 23), and to encourage the law firm to complete as soon as possible its testing of the properties included in the RAWP so that the RAWP schedule is not adversely affected. Despite multiple requests, the Hare Wynn law firm has not advised Walter Coke of its schedule.
- Walter Coke has completed its best efforts to obtain access to the remaining 4 properties (IDs 3, 13, 15, 17). Walter Coke assumes EPA will notify it of any efforts it chooses to make with the owners of these properties for access.

### **4. Changes in personnel involved with RAWP implementation during the reporting period**

No changes noted.

### **5. Projected work for the next reporting period**

Continue with initial property inspections, site preparation, utility clearance, and remediation, on those properties for which Walter Coke or EPA has obtained access.

Although each property is unique and the volume of soil removal required has varied, the field time to complete inspections, site preparation, soil removal, soil replacement, and landscaping repairs/replacement has ranged between 3 to 9 days per property. Using 5 as the average number of days it takes complete the RAWP work at each property based on actual field experience to date, and assuming access is obtained to the remaining RAWP properties, completing the work for the 23 RAWP properties will require 115 business days, or 23 weeks. Applying this time period to the schedule results in the completion of the RAWP field work well after November 4, 2011 - the date specified by EPA in the RAWP schedule. Walter Coke is not aware of any means by which to expedite the actual field work, but will continually look for ways to do so, without sacrificing safety or the quality of the field work.

Although Walter Coke hopes that the remaining properties scheduled for soil replacement can be completed more timely and that the RAWP schedule will not be delayed, Walter Coke is advising EPA now of this issue, and will notify EPA through these progress reports of any other delays or schedule implications.

TABLE 1

## Schedule Status and EPA Concurrence

Residential Soil Remedial Action Work Plan, Walter Coke, Inc., Birmingham, Alabama

Item	Due	Status/Completed	Completed	EPA Concurrence
Initiate Preparation Activities	June 27	Completed	June 27	
Distribute Community Flyer	July 1	Completed	July 1 (mailed)	
Submit to EPA HSP	July 15	Completed	July 15	
Submit to EPA CIP	July 15	Completed	July 15	
<b>Complete Preparation Activities listed next:</b>				
Obtain Consents to Access	July 22	In progress – refer to Table 2		
Obtain ADEM Waste Disposal Approval	July 22	Completed	July 27	
Confirm backfill source availability, suitability	July 22	Completed	July 20	
Utility Locate (ongoing as work progresses)	July 22	Initiated on July 26; On-going as work progresses		
Mobilize Contractor and Initiate Site Preparation	Aug 1	Completed	August 1	
Progress Report #1	July 15	Completed	July 15	
Progress Report #2	Aug 19	Completed	August 19	
Progress Report #3	Sept 16			
Progress Report #4	Oct 14			
Complete Excavation and Disposal, De-Mobilize	Nov 4	<i>Notice – based on the actual field time required per property to date, this deadline may not be achievable if all 23 properties grant access for removal. Walter Coke will provide EPA with schedule updates through the progress reporting process.</i>		
Progress Report #5	Nov 11			
Submit to EPA Draft of Final Report	Nov 28			
Submit to EPA Final Report	Jan 6			
Community Meeting	Jan 19			