



Walter Coke, Inc.
3500 35th Avenue North
Birmingham, Alabama 35207

www.walterenergy.com

July 15, 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 #1 – July 15, 2011

Dear Mr. Pallas:

Attached is Progress Report # 1 for July 15, 2011, specified by the *Residential Soil Remedial Action Work Plan (RAWP)-Phase 1*, approved by EPA in June 2011. You will note that Walter Coke has experienced some difficulty with access at certain properties, although we are continuing our efforts. In the event that EPA elects to assist Walter Coke regarding access, particularly with those owners/residents who have specifically declined our request for access, Walter Coke asks that EPA use the same access consent forms Walter Coke has provided, and although we previously provided these forms to Brian Holtzclaw, the forms are enclosed (one form for the owner, one for the resident).

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

Sincerely,

Don Wiggins

encs: RAWP Progress Report # 1, with Attachments
Access Agreement Forms (2)

Residential Soil Remedial Action Work Plan (RAWP) Progress Report #1 – July 15, 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:
 - Multiple contacts have been attempted with the owners/residents or their representatives of all 23 properties, in the form of certified letters with enclosed access agreements and a stamped return envelope, and multiple personal visits to the properties.
 - To date, signed access agreements have been obtained for 12 properties. However, 2 of the owners of these 12 properties (IDs 2 and 3 from Table 2) subsequently telephoned to rescind the access agreements; these properties are now shown as access denied on Table 2, with details included.
 - 3 additional owners have specifically declined access with no reason being given.
 - One owner is the named plaintiff in a filed toxic tort class action against Walter Coke, thus preventing direct contact; therefore, access is being requested through the owner’s legal counsel but has not been obtained yet.
 - Contact has been made with 4 owners/residents who are still considering the request for access.
 - Despite multiple visits to the property and the mailing of a certified letter, Walter Coke has not been able to make contact with 3 owners/residents of properties (IDs 11, 13, 20 from Table 2).
- Conducting initial property inspections once signed access was obtained – 5 inspections have been completed as of July 15, 2011 (see Table 2 for specifics)
- Confirming backfill source – on July 13, 2011, samples were obtained of planned backfill soil for analysis of target compound list (TCL) volatile organic compounds (VOCs), TCL semivolatile organic compounds (SVOCs), low-level PAHs, target analyte list (TAL) metals, pesticides, herbicides, and polychlorinated biphenyls (PCBs). Results are expected the week of July 18, 2011.
- ADEM Soil Disposal Certification – Met with ADEM on July 13, 2011, to discuss residential soil removal and to obtain waste approval certification for the excavated soils. Certification is expected to be received the week of July 18, 2011.
- Community Involvement Plan (CIP) – submitted to EPA on July 15, 2011

- Health and Safety Plans (HSPs) – submitted to EPA on July 15, 2011

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

- Access has been denied on 5 properties (Property ID 2, 3, 14, 15, and 23) – refer to Table 2. Two of these owners (IDs 2 and 3) granted, but then rescinded access. Regarding Property ID 15, the stated caretaker of the owner has indicated that the owner is living with the caretaker and is denying access; no direct contact has been made with the owner.
- Despite multiple efforts, no contact has been successful at 3 properties (IDs 11, 13, and 20).
- Potentially, the owners/residents of the 4 properties who are still considering Walter Coke's request for access may deny access.

3. Actions being taken to rectify problems

- Per the approved RAWP, Walter Coke is notifying EPA of those properties where owners have specifically denied access via this progress report. Note that Walter Coke attempted to contact the owner of Property ID 15 by revisiting the property; access to this property is now considered denied.
- Walter Coke is also notifying EPA that it has been unsuccessful, despite multiple attempts, to make any contact with the owner/resident of Property IDs 11, 13, and 20. Walter Coke will review public records to confirm its understanding of ownership, and will take additional appropriate action if different ownership is discovered.
- Walter Coke is waiting to hear back from the owners/residents of 4 properties for their decision.
- No additional property visits are planned at this time, other than to these 4 undecided properties to receive their final decision and, hopefully, a signed access agreement.

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

Walter Coke is contracting with Moore Corporation and CH2M HILL to implement the RAWP. Analytical testing will be provided by either Enersolv or TestAmerica Mobile, as needed.

5. Projected work for the next reporting period

Complete access agreement process and continue with initial property inspections. Contractors (Moore and CH2M HILL) will be mobilized to the field on August 1, 2011, to begin site preparation work for excavation on those properties for which Walter Coke has obtained access.

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	
Submit to EPA Progress Report #1	July 15	Completed	July 15	
Complete Preparation Activities listed next:				
Obtain Consents to Access	July 22	In progress – refer to Table 2		
Obtain ADEM Waste Disposal Approval	July 22	ADEM meeting on 7/13/11; Waste profile pending submittal by 7/18; ADEM to provide approval by 7/22		
Confirm backfill source availability, suitability	July 22	Site visit to source (Adamsville) and sample collected 7/13/11; analytical data expected back next week		
Utility Locate (ongoing as work progresses)	July 22			
Mobilize Contractor and Initiate Site Preparation	Aug 1			
Progress Report #2	Aug 19			
Progress Report #3	Sept 16			
Progress Report #4	Oct 14			
Complete Excavation and Disposal, De-Mobilize	Nov 4			
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			

Table 2. Progress Update Summary Table - July 15, 2011

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

RAWP Property ID	Address	Access Packet Sent	Certified Receipt	Access Agreements	Occupant	Property Inspection
Harriman Park						
1	4509 37 th St. N.	✓		7/12: 1250 - No answer; 7/12: 1750 - owner will not sign at this time, will talk to siblings; 7/14: 1705 - notified by daughter that owner is in the hospital	owner	
2	3637 44th Ave. N	✓	✓	7/12: 0920 - Return after 5pm; 7/12: 1730 - talked to owners, need time to read packet; 7/14: 1710 - Access granted; 7/15: 0900 - Owner called D. Wiggins to rescind access "in light of information received" (information unknown)	owner	
3	3669 43 rd Ave. N.	✓	✓	7/12: 0910 - resident/part owner gave access then contacted D. Wiggins to inform him that sister co-owns property and denied access: original access rescinded	part owner	
4	3554 41 st Ave. N	✓		7/12: 0900 - Access granted	owner	Completed 7/14: 0830-0930
Collegeville						
5	4024 FL Shuttlesworth Dr.	✓		7/11: 1450 - No answer; 7/12: 0840 - packet given to adult daughter. Will give to father (owner); 7/14: 1653 - friend of daughter says she is at work	daughter of owner	
6	3472 33rd St. N	✓	✓	7/11: 1345 - Access granted	owner	Completed 7/12: 1730 - 1830
7	3144 34 th Terrace Pl. N.	✓	✓	7/11: 1320 - No answer; 7/11: 1735 - Access granted	owner	
8	3145 34 th Terrace Pl N	✓		7/11: 1311 - Access granted	owner	
9	3137 34th Terrace Pl. N.	✓	✓	7/11: 1325 - owner to decide 7/12; 7/13 - Access granted via return mail	owner	
10	3460 31 st Way N	✓		7/11: 1335 - No answer; 7/11: 1725 - Access granted by rentor - owner contact info obtained 7/14: 1525 - Talked to owner via phone 7/14: 1630 - Met with owner - access granted by owner	rentor	
11	3145 34 th Ct. N.	✓		7/11: 1400 - No answer; 7/12: 0830 - No answer, 7/14: 1106 - No answer, no evidence of resident present		
12	3389 33 rd St. N.	✓	✓	7/11: 1405 - Access granted	owner	Completed 7/15: 0845 - 0930
13	3409 31 st Way N.	✓		7/11: 1352 - No answer; 7/11: 1718 - No answer; 7/12: 1810 - No answer, appears no one is getting mail 7/14: 1103 - No answer, still old mail in box		
14	3441 31st St N	✓	✓	7/11: 1240 - denied access	owner	

Table 2. Progress Update Summary Table - July 15, 2011

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

RAWP Property ID	Address	Access Packet Sent	Certified Receipt	Access Agreements	Occupant	Property Inspection
15	3452 30 th Way N	✓	✓	7/11: 1245 - No answer - told by owner's stated temporary caretaker (driving by) that owner is staying with her (elsewhere) and will not provide access 7/11: 1750 - Visited property again to see if owner might be home - no answer	owner	
16	3456 30 th Way N.	✓		7/11: 1250 - met resident who will contact owner (cousin) & call D. Wiggins; 7/14: 1635 - resident not home, owner nearby stated that he will sign if resident (cousin) signs	rentor	
17	3347 30 th Pl. N	✓	✓	7/11: 1300 - notified a decision had not been made - asked to return Tu-Fr, 9-1; 7/12: 1150 - No answer 7/14: 1040 - met owner (Pastor), no decision until legal advice	owner	
18	3361 31 st St N.	✓	✓	7/11: 1230 - No answer; 7/11: 1755 - Access granted	owner	
19	3377 33rd Pl. N	✓	✓	7/11: 1420 - Access granted	owner	Completed 7/12: 0900-1100
20	3369 33 rd Pl. N.	✓		7/11: 1415 - No answer; 7/11: 1800 - No answer; 7/14: 1111 - No answer, powerlines cut, no meters (photo)		
21	3364 34 th St. N	✓		7/11: 1440 - Access granted	owner	Completed 7/12: 1300-1500
22	3360 34 th St. N.	✓	✓	Listed plaintiff in pending law suit; waiting on her lawyer to consent to access	owner	
23	3348 34 th St. N	✓	✓	7/11: 1435 - No answer; 7/11: 1810 - No answer; 7/12: 1800 - No answer; 7/14: 1117 - Daughter home, Son (Alfonso McClaney) has POA and denies access	owner	

Walter Coke, Incorporated
P.O. Box 5327
Birmingham, Alabama 35207

Owner Consent for Entry and Access to Property

Property for which consent to access is granted:

Address of Property: _____

Mailing Address of Owner: _____

I HEREBY CONSENT to Walter Coke, Inc. and its contractors entering and having continued access to the property described above at reasonable times for the following purposes, if and as needed (meaning that all of the activities noted may not be needed on a specific property):

- The taking of soil samples for the purpose of determining whether arsenic and certain polycyclic aromatic hydrocarbons (PAHs) may exist in soil and, if so, their concentrations, in accordance with a sampling plan approved by the United States Environmental Protection Agency (EPA) and the taking of photographs to record the soil sampling process.
- The removal of soil exceeding EPA-determined cleanup levels, if any, within the yard excavation limits. If soil removal is necessary, it will be done by means of mechanical or hand excavation, and photographs will be taken to record the soil removal process. It is possible that the removed soil will be temporarily staged on the property until it can be transported to an approved off-site location.
- The removal of certain property items (for example, fencing, shrubs, plants), as needed, to complete the soil removal or to avoid damage of certain items during the soil removal process. Resident approval to remove the identified items will be obtained by signature of a Property Condition-Restoration Report prior to removal of such items.
- Restoration of the property landscaping to reasonably match the original conditions and the taking of photographs to record the property restoration process following any soil removal. Resident approval that the property has been restored to satisfactory condition will be obtained by signature of a Property Condition-Restoration Report following completion of the soil removal and restoration process.
- The taking of videos and still photographs to document the condition of the property prior to and immediately following soil removal activities.
- Recording the necessary survey measurements for the locations of sampling and soil removal.

This consent shall also extend to representatives of EPA and/or the Alabama Department of Environmental Management (ADEM), who may elect to be present for some or all of the performance of activities provided for in this consent. Additionally, it is possible that Walter Coke, Inc. may authorize other third parties to enter the premises during these activities for purposes of observation. In addition to samples taken by Walter Coke, Inc., such agency or third party representatives may elect to collect additional or split samples.

I understand that if soil removal is determined to be appropriate, Walter Coke will fence or mark-off that portion of the yard so that the limits of the work area are clearly delineated until the work is complete. If soil removal is undertaken on the property, I HEREBY AGREE to **not** enter, or to allow anyone else not covered by this agreement to enter, any portion of the work area that is delineated by fencing, markers or other clearly visible means designated by Walter Coke or its contractors during the performance of soil removal and restoration activities.

This written consent is given voluntarily by me with knowledge of my right to refuse to grant this consent.

This consent will remain in effect until all activities described in this document are fully completed.

Owner/Signatory Signature _____ Date _____

Owner/Signatory Printed Name _____ Telephone Number _____

Walter Coke, Incorporated
P.O. Box 5327
Birmingham, Alabama 35207

Resident (if not the owner) Consent for Entry and Access to Property

Property for which consent to access is granted:

Address of Property: _____

Mailing Address of Owner: _____

I HEREBY CONSENT to Walter Coke, Inc and its contractors entering and having continued access to the property described above at reasonable times for the following purposes, if and as needed (meaning that all of the activities noted may not be needed on a specific property):

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Resident/Signatory Signature Date

Resident/Signatory Printed Name Telephone Number