



At a Glance

The EPA Should Improve Oversight of Physical Access and Institutional Controls at the Escambia Wood Superfund Site

Why We Did This Evaluation

To accomplish this objective:

While conducting an evaluation of American Creosote Works Inc. in Pensacola, Florida, to determine whether the U.S. Environmental Protection Agency implements and oversees institutional controls, we noted the proximity of the Escambia Wood Treating Company, another Infrastructure Investment and Jobs Act-funded Superfund site. To optimize the value of our site visit, we drove past this site and observed insufficient engineering controls and poorly enforced institutional controls.

Engineering controls comprise both physical structures, such as containment systems, and physical access controls, such as fences.

Institutional controls are legal and administrative tools that help minimize the potential for human exposure to contamination and protect the integrity of the selected engineered cleanup method by limiting land or resource use and guiding human behavior. Examples include restrictive covenants and land-use zoning.

To support these EPA mission-related efforts:

- *Cleaning up and revitalizing land.*
- *Partnering with states and other stakeholders.*

To address this top EPA management challenge:

- *Managing grants, contracts, and data systems.*

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What We Found

Engineering controls at the Escambia Wood Superfund site, specifically the physical access controls, such as fencing and signage, were in poor condition or missing. In addition, the site's institutional controls, including restrictive covenants established in 2013 that prohibit residential or recreational use of the land, were not being enforced. Specifically, there were encampments of homeless persons at the site. Further, site fencing was overgrown with vegetation and missing in at least one section, signage was faded and illegible, there were signs of trespassing, and a gate meant to prevent access to the site was latched loosely so that an adult could pass through.

The EPA is not providing sufficient oversight of the maintenance of engineering controls, specifically physical access controls, and institutional controls to protect human health and the remedy addressing soil contamination at the site. A **remedy** refers to long-term cleanup actions taken to prevent or minimize the release of hazardous substances. According to site documents, camping and trespassing have been ongoing issues since at least March 2007. However, the EPA did not work with state and local partners to enforce the established institutional controls or take administrative action to ensure this unauthorized use did not continue even though the protectiveness of the remedy depends on it. It is the site's remedial project manager's opinion that encampments of homeless persons at the site do not pose an unacceptable risk despite the site's restrictive covenants. This opinion conflicts with the EPA's official site decision documentation. Further, the poorly maintained physical access controls and conflicting zoning enable continued camping and trespassing.

Insufficient oversight of soil-related institutional controls at the site raises concerns that the EPA could potentially harm the protectiveness of the remedy on which the Agency has already spent \$140 million. The planned groundwater remediation, for which the EPA has allocated an additional \$40 million in Infrastructure Investment and Jobs Act funds, will be at risk if these deficiencies continue.

Recommendations and Planned Agency Corrective Actions

We make four recommendations to Region 4, including enforcing the existing institutional controls to ensure that there is no residential or recreational use of the site in accordance with the restrictive covenants; ensuring proper maintenance of engineering controls, specifically physical access controls; and developing and executing a plan to determine whether to implement additional engineering and physical access controls and whether the existing institutional controls are effective. We also recommend documenting changes from official site decision documents and working with the Florida Department of Environmental Protection to amend the associated institutional controls, if applicable. The EPA agreed with Recommendations 1, 2, and 4. Recommendations 2 and 4 are resolved with corrective actions pending. The EPA's proposed corrective actions for Recommendation 1 did not meet our intent, so that recommendation remains unresolved. The EPA did not agree with Recommendation 3, which also remains unresolved.