

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

June 12, 2024 | Report No. 24-E-0046



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Abbreviations

CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
EPA	U.S. Environmental Protection Agency
FDEP	Florida Department of Environmental Protection
IJA	Infrastructure Investment and Jobs Act
O&M	Operation and Maintenance
OIG	Office of Inspector General
OU	Operable Unit

Key Definitions

Engineering Controls	Engineered components to support the remedy or physical barriers to prevent access to contaminated areas.
Institutional Controls	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.
Operation and Maintenance	Measures required to maintain the effectiveness of response actions.
Physical Access Controls	Physical barriers to prevent access to contaminated areas.

Cover Image

A camp set up at the Escambia Wood Superfund site in May 2023. (EPA OIG image)

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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.



OFFICE OF INSPECTOR GENERAL
U.S. ENVIRONMENTAL PROTECTION AGENCY

June 12, 2024

MEMORANDUM

SUBJECT: The EPA Should Improve Oversight of Physical Access and Institutional Controls at the Escambia Wood Superfund Site
Report No. 24-E-0046

FROM: Sean W. O'Donnell, Inspector General

Handwritten signature of Sean W. O'Donnell in blue ink.

TO: Jeaneanne Gettle, Acting Regional Administrator
Region 4

Barry Breen, Principal Deputy Assistant Administrator
Office of Land and Emergency Management

This is our report on the subject evaluation conducted by the U.S. Environmental Protection Agency Office of Inspector General. The project number for this evaluation was [OSRE-FY23-0054](#). This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

Region 4 has the primary responsibility for the issues discussed in this report.

In accordance with EPA Manual 2750, your office provided acceptable planned corrective actions for Recommendations 2 and 4. These recommendations are resolved with corrective actions pending. A final response pertaining to these recommendations is not required; however, if you submit a response, it will be posted on the OIG's website, along with our memorandum commenting on your response.

Action Required

Recommendations 1 and 3 are unresolved. EPA Manual 2750 requires that recommendations be resolved promptly. Therefore, we request that the EPA provide us within 60 days its response concerning specific actions in process or alternative corrective actions proposed on the recommendation. Your response will be posted on the OIG's website, along with our memorandum commenting on your response. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal along with corresponding justification. The Inspector General Act of 1978, as amended, requires that we report in our semiannual reports to Congress on each audit or evaluation report for which we receive no Agency response within 60 calendar days.

We will post this report to our website at www.epaoig.gov.

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Table of Contents

Purpose	1
Background	1
The EPA’s Authority to Require the Cleanup of Contaminated Sites	1
The Escambia Wood Superfund Site	2
Response Actions and Established Controls at the Escambia Wood Superfund Site.....	3
Responsible Offices	5
Scope and Methodology	6
Prior Reports	6
Results	7
The EPA Is Not Ensuring that State and Local Partners Enforce Institutional Controls.....	7
The EPA’s Insufficient Oversight Allowed Conditions to Persist that Enable Camping and Trespassing at the Escambia Wood Superfund Site.....	9
Recommendations	11
Agency Response and OIG Assessment	12
Status of Recommendations	14

Appendixes

A Superfund Funding Sources	15
B EPA Five-Year Review Findings at the Escambia Wood Superfund Site.....	16
C Observed Encampments at the Escambia Wood Superfund Site	17
D Agency Response	18
E Distribution	22

Purpose

The U.S. Environmental Protection Agency Office of Inspector General [initiated](#) an evaluation to determine whether the EPA’s oversight and implementation of institutional controls will support effective use of Infrastructure Investment and Jobs Act, or IIJA, funding at the American Creosote Works Inc. Superfund site in Pensacola, Florida. While conducting this evaluation, we noted the proximity of another IIJA-funded Superfund site—the Escambia Wood Superfund site. To optimize the value of our site visit, we chose to examine the Escambia site as well. We drove around the perimeter of this site and observed insufficient engineering controls and poorly enforced institutional controls, which led us to evaluate the conditions further.

Top Management Challenge Addressed

This evaluation addresses the following top management challenge for the Agency, as identified in the OIG’s *U.S. Environmental Protection Agency Fiscal Year 2024 Top Management Challenges report*, issued November 15, 2023:

- Managing grants, contracts, and data systems.

Background

The EPA’s Authority to Require the Cleanup of Contaminated Sites

The Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, authorizes the EPA to require property owners and other responsible parties to clean up contaminated sites. The EPA maintains the *National Priorities List*, a list of sites that are considered priorities for cleanup based on the relative threat to human health and the environment posed by the sites’ contamination. The Act, commonly referred to as Superfund, also created a trust fund to enable the EPA to pay for response and cleanup costs at contaminated sites, referred to as Superfund sites, in certain contexts. Appendix A includes additional information on Superfund funding sources.

Superfund response actions are categorized as either removal or remedial actions, also called remedies. The terms are defined below:

- A **removal action** refers to “the cleanup or removal of released hazardous substances from the environment” and may include other actions “necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release,” according to 42 U.S.C. § 9601(23). A removal action is generally a short-term cleanup action intended to address an imminent threat to human health or the environment.
- A **remedial action** or **remedy** refers to actions “taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment,” according to 42 U.S.C. § 9601(24). Remedies are generally longer-term cleanup actions where releases are not immediately threatening to human health or the environment.

To address contamination more efficiently, the EPA divides some Superfund sites into distinct areas called operable units, or OUs. The EPA considers a site's geographic areas; specific contaminants of concern; or contaminated media, such as groundwater or soil, to determine the number and scope of OUs. The EPA documents these OUs in a **Record of Decision**, which is the plan for the cleanup of a site. Once the EPA-financed remedy to clean up contamination at a Superfund site is functioning properly, CERCLA requires the state in which the site is located to assume responsibility for operation and maintenance, or O&M, of the remedy. Further, when contamination at a site remains above levels that allow for unlimited use and unrestricted exposure, CERCLA requires the EPA to review the site every five years to ensure the remedy remains effective.¹

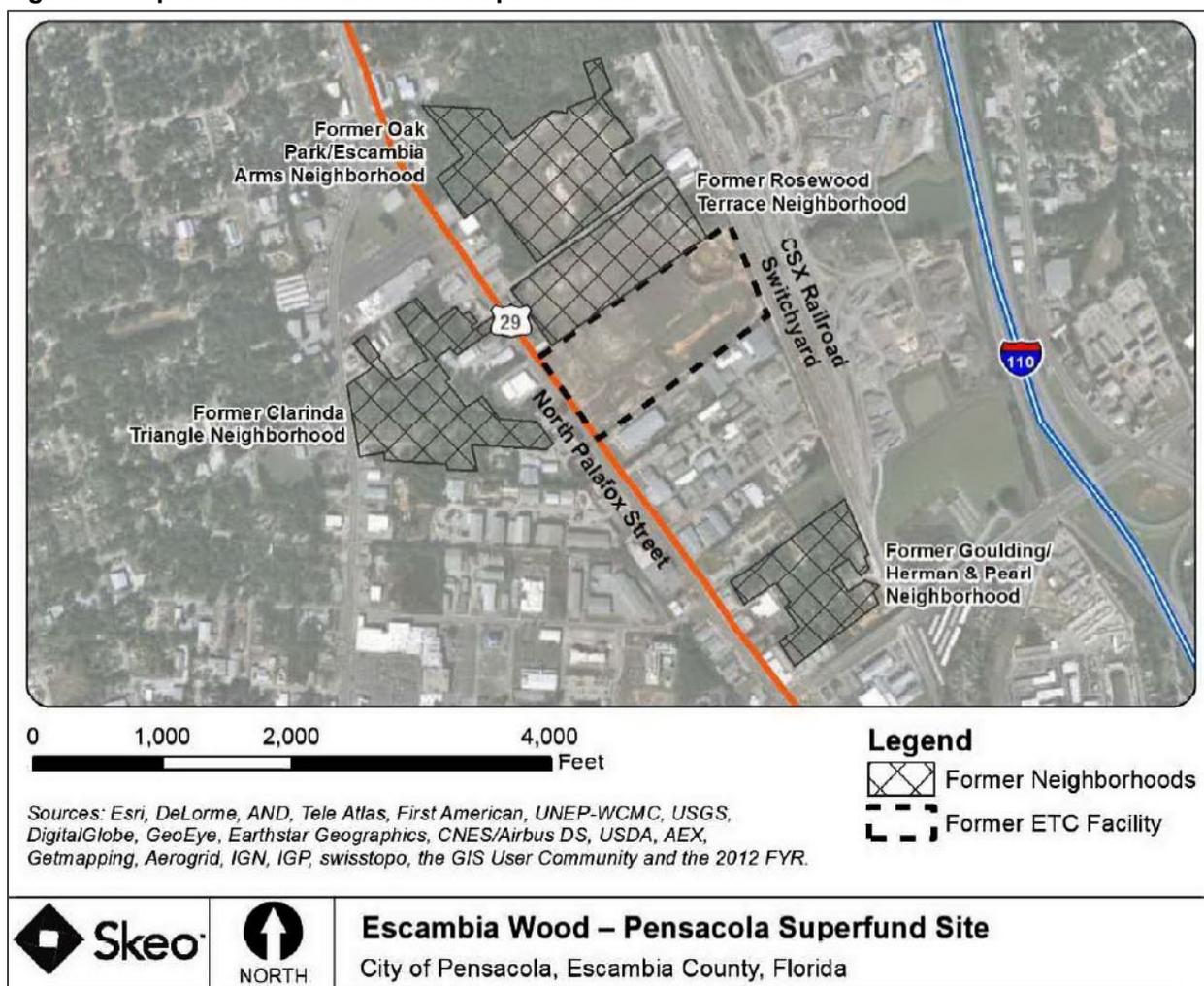
As part of the remediation process, the EPA often uses a combination of treatment methods and land-use controls, including engineering and institutional controls, to protect human health and the environment. Engineering controls include physical structures, such as containment systems, and physical access controls, such as fences. Institutional controls are administrative and legal controls intended to minimize the potential for human exposure by limiting land or resource use and to guide human behavior, such as zoning; water-use restrictions; and restrictive covenants, which are private agreements that restrict the use or occupancy of property. Often, the EPA must work with state and local stakeholders and property owners to implement institutional controls at a site.

The Escambia Wood Superfund Site

The Escambia Wood Superfund site, located in Pensacola, Florida, is a former wood treatment facility that was put on the *National Priorities List* in 1994 because of contaminated soil and groundwater from wood treatment operations. The site encompasses approximately 32 acres of the former facility and an additional 70 acres of former residential areas. Over 400 households were permanently relocated from the on-site residential neighborhoods as part of one of the largest permanent relocations in Superfund history. The primary contaminants of concern are polycyclic aromatic hydrocarbons and dioxin. These contaminants are carcinogens and reproductive toxins, and can affect fetal development, immunity, and hormones. They are extremely persistent and break down very slowly. In December 2021, the EPA announced a \$1 billion investment from the IJA to help clean up Superfund sites, including the Escambia Wood Superfund site, which received \$40 million in IJA funds. The Escambia Wood Superfund site is in EPA Region 4, and Figure 1 shows the site boundaries.

¹ CERCLA § 121(c), 42 U.S.C. § 9621(c), requires the EPA to conduct five-year reviews at sites where hazardous substances remain in place once a remedial action has been initiated.

Figure 1: Map of the Escambia Wood Superfund site



Disclaimer: This map and any boundary lines within the map are approximate and subject to change. The map is not a survey. The map is for informational purposes only regarding the EPA's response actions at the site and is not intended for any other purpose.

Source: The EPA's *Ready for Reuse Determination Escambia Wood – Pensacola Superfund Site, Escambia County, Florida* document. (EPA image)

Response Actions and Established Controls at the Escambia Wood Superfund Site

Site investigations and cleanup activities at the Escambia Wood Superfund site have been divided into two OUs: Operable Unit 1 (OU-1), which addresses the soil contamination, and Operable Unit 2 (OU-2), which received IIJA funding in 2021 to address groundwater contamination. Under the OU-1 soil-related remediation efforts, the EPA permanently relocated over 400 households from the on-site residential areas; placed contaminated soil in an on-site containment cell; and implemented engineering controls, including physical access controls, such as fences, manhole covers, vaults, and monitoring well locks. The EPA also established institutional controls in the form of two separate restrictive covenants that would limit the site to industrial and commercial uses when the site was determined to be ready for reuse. Both restrictive covenants became effective on April 2, 2013, and explicitly forbid residential use,

including campgrounds. One restrictive covenant prohibits actions that would damage or interfere with the OU-1 soil containment cell.

Under CERCLA, for EPA-financed containment remedies, once remedial action objectives have been achieved in the construction phase and the remedy is deemed “operational and functional,” the state assumes responsibility for the associated O&M activities in the post-construction phase.² The EPA and the Florida Department of Environmental Protection, or FDEP, completed the final joint inspection of remedial construction activities for OU-1 on February 28, 2012. The EPA required ongoing O&M because waste materials would remain on site. In 2012, the EPA developed the *Operation, Maintenance, and Monitoring Plan*, or *O&M Plan*, detailing the O&M requirements for OU-1, including inspections for physical site security and institutional controls. The *O&M Plan* states that these “O&M activities [are] required for the ETC [Escambia Wood Treating Company] OU1 site remedy.” According to the *O&M Plan*, inspections should be conducted weekly during construction, quarterly for the first year, and semiannually thereafter. The FDEP began O&M on most of the OU-1 remedy on March 1, 2013.

According to the Escambia Wood Superfund site *Ready for Reuse Determination* document, the EPA determined that the site was ready for commercial and industrial uses in December 2018. This determination did not include an approval for residential uses. A ***Ready for Reuse Determination document*** summarizes information about the site to support the determination that all or a portion of a property at a site can support specified types of uses, such as commercial, industrial, or residential, while remaining protective of human health and the environment. The EPA based this determination on the *2006 Record of Decision Summary of Remedial Alternative Selection Escambia Wood Superfund Site Operable Unit 01 (Soil)*, the *O&M Plan*, and the two restrictive covenants.

The EPA began addressing groundwater contamination at the site in September 2023. The planned remedial actions for the contaminated groundwater in OU-2, which will be funded by IJJA appropriations, include a combination of extraction and underground treatment technologies, which will rely on short-term institutional controls until remedial goals are met. The institutional controls include a local ordinance requiring that future site occupants be connected to the public water supply and incorporating the site into an existing state-established groundwater delineation area, which is an area of land under which the groundwater is either contaminated or vulnerable to contamination.

² Pursuant to 40 C.F.R. § 300.435(f)(1), “A state must provide its assurance to assume responsibility for O&M, including, where appropriate, requirements for maintaining institutional controls, under § 300.510(c).” Pursuant to 40 C.F.R. § 300.435(f)(2), “A remedy becomes ‘operational and functional’ either one year after construction is complete or when the remedy is determined concurrently by the EPA and the state to be functioning properly and is performing as designed, whichever is earlier. The EPA may grant extensions to the one-year period, as appropriate.”

Responsible Offices

According to the Superfund State Contract between the State of Florida and the EPA,³ once the remedial action is complete, Florida assumes responsibility for completing O&M activities outlined in the *O&M Plan*. The FDEP began O&M activities on most of the OU-1 remedy on March 1, 2013. As part of O&M activities for the site, the FDEP is responsible for monitoring, retaining, and enforcing institutional controls, as well as conducting quarterly site inspections for physical security and compliance with institutional controls.

In 2017, Escambia County entered into a memorandum of agreement with the FDEP in which the county accepted responsibility for performing and documenting O&M activities, although the state is ultimately responsible for completing O&M activities. The agreement became effective in May 2021. The county is also the zoning authority for approximately half the site, while the City of Pensacola is the zoning authority for the other half. Each entity is responsible for enforcing appropriate land uses in its established zoning districts.

The EPA is responsible for overseeing and ensuring the completion of O&M activities. The EPA delegates site management and oversight responsibilities to the site's remedial project manager. The party responsible for O&M activities at a site submits O&M reports to the remedial project manager on a recurring basis. The EPA also reviews the site every five years.

A **five-year review** is an evaluation of the implementation and performance of remedies at a site, including institutional controls, to determine whether they are or will be protective of human health and the environment. These evaluations take place every five years. CERCLA requires these evaluations when hazardous substances, contaminants, or pollutants are left on a site and prevent unrestricted use of the site or the resources at the site because of the risk of exposure to the public.

The remedial project manager uses information in the O&M reports to determine the effectiveness of the remedy as part of the five-year review process. Based on report routing information received from Region 4, the Region 4 Superfund and Emergency Management Division and Office of Regional Counsel, as well as the EPA Office of Superfund Remediation and Technology Innovation within the Office of Land and Emergency Management, are part of the review process for the resulting report.⁴

³ *Superfund State Contract between the State of Florida and the EPA, Region 4 Soil Remedial Action – Operable Unit 1 at the Escambia Wood Treating Company Superfund Site (SSC HW 542)*, was effective May 2, 2007, and amended on June 16, 2009; December 30, 2009; September 7, 2010; and April 12, 2012. A Superfund State Contract is a joint, legally binding agreement between the EPA and the state and is required before an EPA-led remedial action. 40 C.F.R. § 35.6015(a). The Superfund State Contract contains, among other elements, assurances about the state assuming responsibility for O&M activities, the nature and frequency of reports between the state and the EPA, and sanctions for failing to comply with the terms of the contract. 40 C.F.R. § 35.6805(i)(1) and (o); 40 C.F.R. § 35.6815(c)(1).

⁴ Region 4 staff explained that the *Five-Year Review* report is routed through five levels of review within the EPA and involves a minimum of nine different reviewers, including regional and headquarters staff.

Scope and Methodology

We conducted this evaluation from May 2023 through February 2024 in accordance with the *Quality Standards for Inspection and Evaluation* published in December 2020 by the Council of the Inspectors General on Integrity and Efficiency. Those standards require that we perform the evaluation to obtain sufficient and appropriate evidence to support our findings.

On May 4, 2023, we drove around the perimeter of the site and saw that physical access controls, such as fencing and signage, were in poor condition or missing, and that encampments of homeless persons were established around the site. We also observed evidence of trespassing and a missing segment of fencing. These observations led us to pursue this matter in more depth, focusing on the institutional and physical access controls in place at the site.

In addition to the unannounced inspection of the site perimeter that prompted this report, we reviewed imagery of the site on publicly accessible mapping software and official site documents from 2002 through 2022, including *Five-Year Review* reports, *Records of Decision*, and the *O&M Plan*, to understand the contaminants of concern, remedial plans and objectives, and associated O&M activities and institutional controls related to protecting the remedy and public health. We interviewed the site's remedial project manager to gauge the EPA's awareness of the observed conditions and to understand any barriers that may exist in maintaining and enforcing physical access controls and institutional controls. We compared our observations, as well as those documented in the *Five-Year Review* reports and O&M reports, against criteria in CERCLA, EPA regulations, the Superfund State Contract, the restrictive covenants, and the site's *O&M Plan*.

Prior Reports

OIG Report No. [20-E-0169](#), *EPA Oversight Provided Reasonable Controls to Deter and Minimize Trespassing at the Fort Ord Superfund Site*, issued May 14, 2020, evaluated whether the EPA's Superfund institutional controls achieve their stated goal of preventing human exposure at the Superfund site. The team evaluated institutional controls at Fort Ord, located in California, from October 2019 through March 2020. The team evaluated whether the site properly controlled access through fencing and signage, which were confirmed to be in good condition. The team made no recommendations in this report.

OIG Report No. [21-P-0223](#), *EPA's Office of Land and Emergency Management Lacked a Nationally Consistent Strategy for Communicating Health Risks at Contaminated Sites*, issued September 9, 2021, found that the EPA did not consistently communicate human health risks at select sites in a manner that allowed impacted communities to decide how to manage their risks of exposure to harmful contaminants. The team recommended implementing internal controls to achieve and monitor nationally consistent risk communication as well as providing communities with information to manage their risks. All the recommendations are resolved, and corrective actions are completed.

Results

The EPA is not sufficiently overseeing O&M activities for the soil-related remediation at the Escambia Wood Superfund site, which includes both physical access and institutional controls established to protect human health and the remedy there. Despite restrictive covenants that prohibit residential use of the site, it is the remedial project manager's opinion that homeless persons encamped at the site are not at risk of contamination exposure. Because of this opinion, the remedial project manager is not ensuring that state and local partners enforce the established institutional controls. Further, poorly maintained physical access controls and conflicting zoning for the site enable camping and trespassing at the site. According to *Five-Year Review* reports and O&M reports, camping and trespassing have been ongoing issues at this site since at least March 2007. However, the EPA has not taken sufficient action to ensure that this unauthorized use does not continue even though the protectiveness of the remedy depends on it. Given its insufficient oversight and enforcement of the Superfund State Contract, the EPA risks allowing a reduction in the protectiveness of the remedy on which it has already spent \$140 million. We are also concerned that the planned groundwater remediation, for which the EPA has allocated an additional \$40 million in IJA funds, will be at risk if these deficiencies continue.

The EPA Is Not Ensuring that State and Local Partners Enforce Institutional Controls



Encampment observed at the Escambia Wood Superfund site.

Source: EPA OIG image.

Contrary to requirements outlined in site documents, we observed encampments of homeless persons around the site. We also observed evidence of trespassing, including items dumped on the site. According to the *Ready for Reuse Determination* document for the Escambia Wood Superfund site, “the Site’s remedy will remain protective of human health and the environment, subject to O&M of the remedy and the limitations as specified in the RODs [*Records of Decision*] and the implemented and planned restrictive covenants.” The land-use restrictions include “using the property solely for commercial, industrial, or manufacturing purposes and forbidding the use of the property for any temporary or permanent housing of individuals, campgrounds, recreational facilities, and mining or agricultural purposes.” The *Ready for Reuse Determination* document also states that O&M activities include proper use of the property and monitoring of institutional controls.

Additionally, past site inspection documentation shows that trespassing has been an ongoing condition at the site. Appendix B contains more details about the EPA’s findings on encampments of homeless persons at the site.

While the state is ultimately responsible for ensuring that the institutional controls are monitored, retained, and enforced and that physical access controls are in place as part of O&M activities for this site, the EPA is responsible for determining whether and when specific O&M activities are complete. Based on our observations and document review, the county, which is under agreement to conduct O&M activities on behalf of the state, has not enforced the institutional controls to prevent potential exposure to contamination. The EPA’s *Five-Year Review* report from January 2022 states that the FDEP and Escambia County are “managing the issue” of homeless persons camping at the site without providing further details. Our observations in May 2023 indicate that the situation was not effectively managed, and the condition persisted.

We asked the remedial project manager why the institutional controls at the site were not being enforced. The remedial project manager said that other than notifying the county that the controls need to be enforced, there was little that the EPA could do. However, the EPA could have pursued additional actions. The Superfund State Contract requires the state to complete required O&M activities established in the *O&M Plan*, which includes routine monitoring and enforcement of institutional controls. If the state fails to comply with the terms of the Superfund State Contract, CERCLA authorizes the EPA to bring suit in federal court to enforce the contract. However, the EPA did not take such action or pursue an effective administrative remedy to ensure that the state adhered to the Superfund State Contract, including provisions pertaining to implementation of the *O&M Plan*, even though camping and trespassing had been ongoing issues at this site for over 16 years.

The remedial project manager also explained that administrative action was not taken because of the remedial project manager’s opinion that there is no risk to the homeless persons and that the institutional controls are overly restrictive. According to the remedial project manager, the soil at the site was remediated to meet Florida’s commercial and industrial use standards, which are more stringent than the EPA’s acceptable cancer risk regional screening levels for resident soil. According to the EPA, the FDEP commercial cleanup standards were within the acceptable risk range for the homeless persons camping at the site based on a risk assessment using the Regional Screening Levels calculator.

Regional screening levels are risk-based concentrations of substances that are protective of human health over the course of a lifetime, calculated using the latest toxicity values, default exposure assumptions, and physical and chemical properties. Regional screening levels are not the same as cleanup standards. Rather, they are used in initial screening of sites to determine areas that require further federal attention. On the other hand, cleanup goals, which are site-specific and documented in the site’s *Record of Decision*, may be based on additional information, such as applicable or relevant and appropriate requirements and site-specific risk-based goals.

This opinion conflicts with the EPA’s official site decision documentation, the *Ready for Reuse Determination* document, and the restrictive covenants, which clearly outline that the site is not intended for residential use. The OU-1 remedy itself, as stated in the *Record of Decision*, involved the

permanent relocation of 400 households from the site. The EPA has not amended the *Record of Decision* or published an *Explanation of Significant Differences* to reflect such a deviation from the OU-1 remedy,⁵ nor did it amend the restrictive covenants or *Ready for Reuse Determination* document. Further, while the EPA's 2017 Fourth Five-Year Review Report and the 2022 Fifth Five-Year Review Report both state that the risk of exposure to contamination was within the acceptable range, they also state that enforcement of the institutional controls is required for long-term protectiveness of the remedy. Given that the EPA is not fulfilling its obligation to ensure that the agreed-upon remedy for the site remains in place and effective, and the documentation provides conflicting determinations about the safety of current site uses, the homeless persons camping at the site may be at risk of exposure to contamination and the OU-1 remedy may be at risk of damage.

The EPA's Insufficient Oversight Allowed Conditions to Persist that Enable Camping and Trespassing at the Escambia Wood Superfund Site



Fence overgrown with vegetation. The vegetation is also covering a faded sign meant to warn the public about contaminated soil and groundwater at the site.

Source: EPA OIG image.

Camping and trespassing at the Escambia Wood site may expose individuals to contamination and risk damage to the OU-1 remedy. These activities were enabled by the EPA's poor oversight of the fencing and signage around the site. Although the *Record of Decision* for OU-1 does not specifically describe site security measures for the site, it does indicate that clear lines of responsibility for implementation and enforcement of O&M requirements will be included in the *O&M Plan*. According to the *O&M Plan*, site security inspections are required quarterly for the first year of O&M activities and may decrease to semiannually thereafter. Inspections must document any significant events or problems encountered, and these observations and their resolutions should be summarized in an O&M report. As part of its oversight of O&M activities at the site, the remedial project manager had access to O&M reports from the state outlining its site inspection activities and findings.

The state's O&M inspection reports did not demonstrate compliance with the *O&M Plan*. Several inspections were missing from the reports over the years, and the amount of detail included in the reports varied significantly. For example, some O&M reports did not include an inspection log documenting observations at the site.

⁵ The EPA prepares an *Explanation of Significant Differences* when changes to the remedy selected in the *Record of Decision* are significant but do not fundamentally alter the remedy with respect to scope, performance, or cost.

The O&M reports from June 2013 through April 2022 documented fence damage, trespassing, vandalism, and homeless persons camping at the site. Most O&M reports documented fence repair activities and illegal dumping resolutions, but none included actions taken to address the encampments of homeless persons, even though the EPA also observed them during its five-year review inspections in 2007, 2017, and 2022. The remedial project manager was aware of these deficiencies and regional and headquarters staff should also have been aware because, according to Region 4 staff, the EPA's review process for *Five-Year Review* reports includes five levels of review and approval.

Despite these *O&M Plan* requirements that the state inspect and maintain physical access controls, we observed that physical access controls, such as fencing and signage, were in poor condition or missing. Signage was faded and illegible. Fencing was overgrown with vegetation, which may impact the ability for it to be properly inspected, and a portion of the fence was missing. A gate meant to prevent access to the site was latched loosely so that an adult could pass through it. We spoke with another remedial project manager in the same city and county who also encountered issues with homeless persons camping at a site the individual managed. The remedial project manager said that the EPA deterred camping by ensuring that the site was not overgrown and that the fence was in good shape and not covered in vegetation. While states are generally responsible for implementing and funding O&M activities, the EPA could deter camping at the site by ensuring that state and local partners conduct O&M activities as required through effective oversight in accordance with the Superfund State Contract.



From left to right: Locked gate with a gap large enough to enter the site. Portion of fence missing at the site. Source: EPA OIG images.

The *O&M Plan* also specifies that O&M activities include monitoring zoning changes to ensure that they comply with institutional controls. However, the zoning in the northern half of the Escambia Wood Superfund site conflicts with the restrictive covenants established in 2013. Specifically, some parcels of

the site are zoned by Escambia County as suitable for residential and recreational use, conflicting with the state's restrictive covenants. Further, the remedial project manager told us that Escambia County staff expressed an interest in allowing encampments at the site to manage the county's homeless population. Without zoning that restricts residential uses or effective institutional controls, the county may have difficulty prohibiting encampments. In contrast, in the portions of the site where Pensacola is responsible for zoning, the city's zoning does not conflict with the state's restrictive covenants, thereby authorizing the city to halt residential or recreational use on that half of the site if necessary. We did not observe encampments in portions of the site controlled by Pensacola. Appendix C shows the locations of encampments that we observed on publicly accessible mapping software or in person.

Encampments of homeless persons persist at the site because of insufficient EPA oversight of O&M activities and conflicting land zoning. The remedial project manager stated that during the IJA-funded remediation of OU-2, the EPA would likely implement 24-hour security and enhanced fencing. However, given that the EPA has yet to ensure that its state and local partners consistently maintain and enforce physical access and institutional controls at this site, the EPA should begin working to ensure that this pattern does not continue into the OU-2 post-construction phase. Further, by reducing the long-term presence of homeless persons camping at the site, the EPA will also reduce the potential for exposure to contaminated soil and secure the remedy for both OU-1 and OU-2. In the absence of such action, the EPA cannot ensure that the \$140 million for OU-1 and \$40 million for OU-2 will provide lasting benefits and not waste congressionally appropriated funds under the IJA.

Recommendations

We recommend that the regional administrator for Region 4, in coordination with the Florida Department of Environmental Protection and Escambia County:

1. Ensure state and local partners implement and enforce existing institutional controls at the Escambia Wood Superfund site, including institutional controls prohibiting residential or recreational use of site parcels. This action will reduce the potential for exposure to contaminated soil, protect the remedy the EPA has already spent \$140 million on, and create conditions to ensure effective use of the \$40 million in Infrastructure Investment and Jobs Act funding for groundwater remediation.
2. Determine whether it is appropriate for the Escambia Wood Superfund site to be used for recreational or residential purposes and whether institutional controls documented in the *Record of Decision* and *Ready for Reuse Determination* are no longer needed. Document this change in remedial decision documents and, if applicable, work with appropriate stakeholders to amend the associated institutional controls.
3. Ensure that the appropriate parties perform adequate operation and maintenance of the remedy consistent with the *Operations and Maintenance Plan*, including inspection, maintenance, and repair of fencing.

4. Develop and execute a plan to determine whether to implement additional engineering controls to support site security and the effectiveness of existing institutional controls.

Agency Response and OIG Assessment

Appendix D includes the EPA's consolidated response to our draft report. Region 4 and the Office of Land and Emergency Management also provided technical comments, which we reviewed and used to make appropriate changes to the final report. Region 4 agreed with Recommendations 1, 2, and 4 and described corrective actions to address the recommendations.

In its response and technical comments, Region 4 emphasized that it has worked closely with its state and local partners over the years to address the issue of encampments of homeless persons at the site. In its technical comments, the Office of Land and Emergency Management expressed concern that we were suggesting that the EPA sue the state to ensure compliance with the terms of the State Superfund Contract. We are not suggesting that the region has failed to work with its partners over the years, nor are we suggesting that the EPA sue the state. Rather, we are expressing our concern that the region's efforts to work with state and local partners have not resulted in the maintenance and enforcement of institutional controls that all parties agreed were necessary for the safe use of the site. Given (1) the length of time these conditions persisted; (2) the language in the *Five-Year Review* reports, which indicated that the state and county were managing the issue; and (3) the remedial project manager's position that there was nothing else that the EPA could do about conditions at the site, we are concerned that the region may have reached an impasse in ensuring that the institutional controls were implemented and enforced for this site. The region stated that it will use our report as an opportunity to reengage with state and local partners to address this situation. We welcome such an approach.

Region 4 agreed with Recommendation 1, which recommended that the EPA ensure that state and local partners implement and enforce existing institutional controls at the Escambia Wood Superfund site, including institutional controls that prohibit residential or recreational use of site parcels. In its response, Region 4 agreed with the recommendation and stated that the institutional controls should be enforced or updated to reflect current site conditions and risks. The region plans to work with the FDEP to identify where institutional controls may be overly protective and determine whether the controls should be updated based on current site conditions. The region also plans to update the *O&M Plan* accordingly. The region stated that it has worked closely with the FDEP and Escambia County to address the issue of "unhoused campers" and that it will continue to take all necessary steps to ensure that appropriate institutional controls are in place and enforced where needed in coordination with the city and county governments and the FDEP. However, it remains unclear what these necessary steps are and how they will be accomplished. Furthermore, it is unclear how Region 4 will ensure that the institutional controls are enforced if state and local governments do not concur with revising the institutional controls. Therefore, Recommendation 1 remains unresolved until the region describes its plans to ensure that state and local partners implement and enforce existing institutional controls. The recommendation may also be resolved if the institutional controls are amended, negating the need for implementation and enforcement of these controls.

Region 4 did not agree with Recommendation 3, which recommended that the EPA ensure adequate O&M of the remedy by clearing vegetation from fences, replacing any missing segment of the fence, securing any large gaps in the fence gate, and ensuring legible and sufficient signage. The region disagreed with this recommendation because fences and signage are not remedial components required by the OU-1 *Record of Decision* or by the restrictive covenants. The region contends that fences and signage are not needed to protect human health and the environment and that the fences were left in place after construction was finished. The region asserted that the *O&M Plan* “is unclear on the role of fence inspections,” and that the region will amend the *O&M Plan* after it addresses Recommendations 1 and 2. Additionally, the region contended that these requested actions are not required as part of the site’s institutional controls.

The intent of Recommendation 3 was not only to have the EPA ensure that the appropriate parties conducted sufficient O&M for the site, but also to address the conditions that enable trespassing and camping at the site. Ultimately, this recommendation aims to reduce the potential for human exposure to contaminated soil and to protect the remedy. According to the *Record of Decision*, O&M requirements for ensuring the long-term protectiveness of the remedy would be developed during the remedial design of the remedy. The *Record of Decision* further states that an *O&M Plan* outlining clear lines of responsibility for both implementation and enforcement of O&M requirements will be developed when the remedy is installed. The *O&M Plan* states that “physical security of the Site shall be inspected quarterly and will include checking for vandalism and checking the integrity of all security fences, manhole covers, and monitoring well locks.” The preamble to this section of the *O&M Plan* states that these “O&M activities [are] required for the ETC OU1 site remedy.”

Based on the information above, it is our understanding that the purpose of the fence is to ensure physical security of the site and that the listed O&M activities are required for the OU-1 remedy. While the *Record of Decision* does not specify that a fence is required as part of the remedy, the *O&M Plan*, which was created in accordance with the *Record of Decision*, expressly refers to ensuring the integrity of certain physical security measures, including security fences, as a component of the OU-1 remedy. Furthermore, O&M inspections over the years and the region’s own five-year review inspections included inspecting and reporting on fence conditions. Given the long-standing issues with trespassing and encampments and contamination in the soil at levels that do not allow for unlimited use and unrestricted exposure, we question the region’s contention that the site does not need fences and signage to protect human health. Recommendation 3 remains unresolved until the conditions that enable trespassing and camping are addressed or the *O&M Plan* is amended.

We adjusted Recommendation 3 in response to the Office of Land and Emergency Management’s request for the recommendation to be consistent with CERCLA and to clearly reflect the fact that the EPA does not conduct O&M activities. We also adjusted Recommendation 3 to clarify that the requirements pertaining to fencing are outlined in the *O&M Plan*. The recommendation now suggests that the EPA ensure appropriate parties conduct adequate O&M of the remedy consistent with the *O&M Plan*.

Status of Recommendations

Rec. No.	Page No.	Recommendation	Status*	Action Official	Planned Completion Date
1	11	In coordination with the Florida Department of Environmental Protection and Escambia County, ensure state and local partners implement and enforce existing institutional controls at the Escambia Wood Superfund site, including institutional controls prohibiting residential or recreational use of site parcels. This action will reduce the potential for exposure to contaminated soil, protect the remedy the EPA has already spent \$140 million on, and create conditions to ensure effective use of the \$40 million in Infrastructure Investment and Jobs Act funding for groundwater remediation.	U	Regional Administrator for Region 4	
2	11	In coordination with the Florida Department of Environmental Protection and Escambia County, determine whether it is appropriate for the Escambia Wood Superfund site to be used for recreational or residential purposes and whether institutional controls documented in the <i>Record of Decision</i> and <i>Ready for Reuse Determination</i> are no longer needed. Document this change in remedial decision documents and, if applicable, work with appropriate stakeholders to amend the associated institutional controls.	R	Regional Administrator for Region 4	9/30/24
3	11	In coordination with the Florida Department of Environmental Protection and Escambia County, ensure that the appropriate parties perform adequate operation and maintenance of the remedy consistent with the <i>Operations and Maintenance Plan</i> , including inspection, maintenance, and repair of fencing.	U	Regional Administrator for Region 4	
4	12	In coordination with the Florida Department of Environmental Protection and Escambia County, develop and execute a plan to determine whether to implement additional engineering controls to support site security and the effectiveness of existing institutional controls.	R	Regional Administrator for Region 4	9/30/24

* C = Corrective action completed.

R = Recommendation resolved with corrective action pending.

U = Recommendation unresolved with resolution efforts in progress.

Superfund Funding Sources

Congress established CERCLA in 1980 in response to highly publicized hazardous waste incidents that occurred in the 1970s. CERCLA instituted a tax on the chemical and oil industries and authorized the EPA to require owners and operators of contaminated sites to clean them up. The tax revenues are put in the Superfund to pay for emergency responses and site cleanup when the EPA cannot identify responsible parties. Tax revenues collected in the first five years after CERCLA was enacted resulted in approximately \$1.6 billion for the Superfund. The tax on the oil and chemical industries expired on September 30, 1985. In 1986, Congress enacted the Superfund Amendments and Reauthorization Act, which reinstated and expanded the scope of taxes on the oil and chemical industries from 1987 through 1991. In 1990, taxes to support the Superfund were extended once again until 1995 by the Omnibus Budget Reconciliation Act of 1990. By the end of 1995, Superfund funding was being provided by general revenues from Congress.

Historically, Superfund funding has been insufficient to support the large amount of remediation that needs to occur at the hundreds of Superfund sites nationwide. A 2010 Government Accountability Office report, [GAO-10-380](#), *Superfund: EPA's Estimated Costs to Remediate Existing Sites Exceed Current Funding Levels and More Sites Are Expected to Be Added to the National Priorities List*, documented that by 2009 the Superfund balance had decreased to \$137 million. The report also described how the annual cost estimates for Superfund remediation for 2011 and 2012 exceeded costs allocated for 2009 by \$253 million and \$414 million, respectively. Further, the report stated that the costs were likely underestimated. The report also noted that, of the 75 nonfederal *National Priorities List* sites in 2009 where human exposure was still unacceptable, 65 percent of them had either all or more than half of the remediation still incomplete because of insufficient funding.

Special appropriations have injected funding into the Superfund. In 2009, Congress enacted the American Recovery and Reinvestment Act, which provided \$600 million for the Superfund. In 2021, Congress enacted the IIJA, which provided \$3.5 billion to initiate cleanup and clear the backlog of previously unfunded Superfund sites and accelerate cleanup at many other sites across the country. Additionally, the Inflation Reduction Act, enacted in 2022, permanently reinstated the taxes on the chemical and oil industries.

EPA Five-Year Review Findings at the Escambia Wood Superfund Site

During the March 13, 2007 site inspection, which the EPA conducted as part of the site's second five-year review, the EPA found evidence that trespassing and theft were occurring at the Escambia Wood Superfund site on a frequent basis and that undemolished vacated residences were occupied by trespassers. The associated report described evidence of all-terrain vehicle tire tracks, bike tracks, footprints, and slide marks on a soil stockpile cover, indicating that the public was accessing the site for recreational purposes. The *Five-Year Review* report concluded that more regular inspection and maintenance of the physical access controls and increased coordination with the local government were necessary for the interim remedy to be protective in the long term.

As a result of the findings of the 2007 five-year review, an EPA contractor maintained a regular presence on the site and regularly inspected and maintained the perimeter fencing. The contractor hired a subcontractor to provide security at the site, including the former residential areas, during nonworking hours. The U.S. Army Corps of Engineers and the EPA asked the Escambia County Sheriff's Office to increase patrols in the area. The contractor secured vacant structures and kept the grass cut. The EPA's inspection conducted as part of the subsequent five-year review in 2012 noted that the fencing around the site and the former neighborhood were in good condition and that all gates were properly locked and secured.

However, a site inspection that the EPA conducted on December 14, 2016, found several people camping in the wooded portions of all but one of the former neighborhood areas as well as on non-EPA-owned property. According to the *2017 Five-Year Review* report, which included this site visit information, the EPA did not have a mechanism to enforce the restrictive covenants or to conduct O&M activities at the site. The report noted camping to be a chronic issue at the site and recommended that the FDEP implement additional engineering controls to limit physical access and increase enforcement of institutional controls by the local government and police department by March 27, 2018. The *2017 Five-Year Review* report also noted complaints from neighboring property owners about excessive vegetation growth, trespassers, and theft.

The EPA's January 26, 2022 site inspection, conducted as part of the site's fifth five-year review, also found several camps of homeless persons in the wooded parts of the former neighborhood areas. The report stated that the FDEP and Escambia County were "managing the issue," but the report did not provide further details. The report also noted a need for fencing repairs and evidence of trespassing.

Observed Encampments at the Escambia Wood Superfund Site



Source: Publicly available geographic information system street view imagery, [Florida Department of Environmental Protection Contamination Locator Map](#) with the “National Priorities List Superfund Site Boundaries (EPA Public 2022)” layer and the “Florida Institutional Controls Registry” layer overlays, and EPA OIG images.

Agency Response



REGION 4 ADMINISTRATOR

ATLANTA, GA 30303

March 25, 2024

MEMORANDUM

SUBJECT: Response to Office of Inspector General Draft Report No. OSRE-FY23-0054 *The EPA Can Improve Oversight of Physical Access and Institutional Controls at the Escambia Wood Treating Company Superfund Site*, Dated February 22, 2024

FROM: Jeaneanne M. Gettle
Acting Regional Administrator

JEANEANNE GETTLE Digitally signed by
JEANEANNE GETTLE
Date: 2024.03.25
17:33:20 -04'00'

TO: Sean W. O'Donnell, Inspector General
Office of Inspector General

Thank you for the opportunity to respond to the recommendations and issues raised in the subject Office of Inspector General (OIG) draft audit report. This response has been coordinated with the Office of Land and Emergency Management (OLEM). Given that the recommendations in this report are directed to Region 4, OLEM has deferred to the Region on this formal response.

A summary of the Region's overall position, along with its position on each of the report recommendations directed to Region 4 is provided below. For those report recommendations with which the Region agrees (Recommendations 1, 2, and 4), we have provided high-level intended corrective actions and estimated completion dates. For those report recommendations with which the Region does not agree (Recommendation 3), we have provided an explanation for the Region's position and have proposed alternatives to the OIG's recommendations for your consideration. We have attached a Draft Report Technical Comments form to supplement this response that includes input from the Region and OLEM.

REGION'S OVERALL POSITION

The Region agrees with the substance of the recommendations of the OIG report. The report provides a review of institutional controls at the site and provides recommendations for improvements. There are two restrictive covenant documents in place for about 70 acres of the Site. One is for the former Rosewood Terrace Subdivision, which is south of Hickory Street and includes restrictions to protect the OU1 containment cell (instrument number 2014029668). The other is for the former Oak Park, Escambia Arms (which includes areas north of Beggs Lane), Clarinda Triangle and Herman & Pearl neighborhoods, (instrument number 2014029669). Both restrictive covenants limit property uses to commercial, industrial, or manufacturing uses, and exclude businesses that house people temporarily or permanently. The restrictive covenants also forbid the following uses: residential use, including mobile homes, hotels, motels, apartments, dormitories, campgrounds, group homes, retirement communities or temporary shelters; day-care centers, kindergartens, or elementary or secondary schools; playgrounds, athletic fields, or camps; and mining or agricultural purposes, including community gardens and forestry. The EPA and Florida Department of Environmental Protection (FDEP) developed the specific land use limitations in the restrictive covenants, which are intended to prevent uses that may lead to unacceptable exposure unless FDEP grants prior approval with EPA's written consent. As was the practice at the time, the restrictive covenants apply the land use restrictions across the entire legal description and provide a mechanism to reduce restrictions if the FDEP and EPA concur. EPA's Five-Year Reviews (FYR) have determined that the camping in the former Oak Park and Escambia Arms neighborhoods does not pose an unacceptable risk to human health. However, EPA's FYRs do not constitute EPA concurrence with a change in the land use restrictions. Thus, EPA FYR note the FDEP and County's responsibility to enforce the restrictive covenants.

The Region notes the OIG's concern with potential exposure to the unhoused campers at the site. We have evaluated that concern through our FYR process and determined that the unhoused campers are not at risk. We can provide supporting information to the OIG if needed. Similarly, the Region believes that there will be no impact on the site remedy implemented at OU1 and the forthcoming remedy at OU2 and can provide supporting documentation to the OIG if needed.

Nevertheless, Region 4 agrees with the need to either better enforce the restrictive covenants as written or to modify the restrictive covenants to reflect current site conditions and risks. The Region will use this report as an opportunity to reengage with state and local partners to address this situation.

Region 4 has worked closely with our State and local partners over the years to address the issue of unhoused campers, and we will continue to take all necessary steps to ensure appropriate institutional controls are in place and enforced where needed in coordination with the city and county governments and the FDEP. The EPA is currently discussing the restrictive covenants for this site with FDEP to determine where they are overly protective and whether they should be updated based on current site conditions.

The Region appreciates the input of the OIG on how to best protect and leverage Infrastructure Investment and Jobs Act funds used to implement the remedy at this site. Please see the Region's responses to the specific OIG recommendations below with additional information in the Technical Comments Attachment.

RESPONSE TO REPORT RECOMMENDATIONS

No.	Recommendation	Agreements: High-Level Intended Corrective Action(s)	Estimated Completion Quarter & FY
#1	<p>Ensure state and local partners implement and enforce existing institutional controls at the Escambia Wood Superfund site, including institutional controls prohibiting residential or recreational use of site parcels. This action will reduce the potential for exposure to contaminated soil, protect the remedy the EPA has already spent \$140 million on, and create conditions to ensure effective use of the \$40 million in Infrastructure Investment and Jobs Act funding for groundwater remediation.</p>	<p>The Region agrees with this recommendation. The institutional controls should be enforced, or they should be updated to reflect current site conditions and risks.</p> <p>The Region identified through the FYR process that some land use restrictions are not needed to ensure protectiveness of the remedy. The Region has communicated the process to revise the land use controls to the State and the property owner (Escambia County). As a result of this recommendation, the Region will work with the implementing State Agency to determine the extent of the institutional controls that are needed.</p> <p>The Operation & Maintenance (O&M) Plan will also be amended based on the observations in the report and, if needed, after the institutional controls are changed.</p>	<p>Determine whether restrictive covenants should be amended: September 30, 2024</p> <p>Update O&M Plan: September 30, 2024</p>
#2	<p>Determine whether it is appropriate for the Escambia Wood Superfund site to be used for recreational or residential purposes and whether institutional controls documented in the Record of Decision and Ready for Reuse determinations are no longer needed. Document this change in remedial decision documents and, if applicable, work with appropriate stakeholders to amend the associated institutional controls.</p>	<p>The Region agrees with this recommendation. The Region has already determined that the current use is protective of human health and the environment in the 2017 and 2022 FYRs. The Region has initiated a review of the institutional controls in coordination with FDEP and we will amend the institutional controls as needed. The Region’s position is that the Record of Decision may not need to be amended to allow some changes in land use and that the Restrictive Covenants are intentionally flexible. The Region may adjust the Ready for Reuse document as well.</p>	<p>Determine whether restrictive covenants should be amended: September 30, 2024</p>
#4	<p>Develop and execute a plan to determine whether to implement additional engineering controls to support site security and the effectiveness of existing institutional controls.</p>	<p>The Region agrees with this recommendation. We do not anticipate that additional engineering controls are needed at the site. The O&M Plan is unclear on the role of fence inspections and will be amended based on the observations in the report.</p>	<p>Update O&M Plan: September 30, 2024</p>

No.	Recommendation	Agreements: High-Level Intended Corrective Action(s)	Estimated Completion Quarter & FY
		The effectiveness of institutional controls and improved enforcement of institutional controls will be addressed by recommendations 1 and 2, in coordination with FDEP. The Region is currently working with FDEP to “right size” the institutional controls.	
#3	Ensure adequate operation and maintenance of the site by clearing vegetation from fences, replacing any missing segment of the fence, securing any large gaps in the fence gate, and ensuring legible and sufficient signage to discourage trespassing and camping.	<p>The Region disagrees with this recommendation because fences and signage are not remedial components required by the OU1 Record of Decision or by the restrictive covenants. Fences and signage are not needed to protect human health and the environment. Fences were left in place after construction was finished. The O&M Plan is unclear on the role of fence inspections, so the O&M Plan will be amended after recommendations 1 and 2 are addressed.</p> <p>Additionally, these requested actions are not required as part of the site institutional controls. Further detail is noted in the technical comments.</p>	The O&M plan will be amended after recommendations 1 and 2 are addressed.

CONTACT INFORMATION

If you or your staff have any questions regarding this response, please contact the Region 4 Audit Follow-Up Coordinator, Alicia Sterk, at Sterk.Alicia@epa.gov or (801) 678-6168, or the Office of Land and Emergency Management Audit Follow-up Coordinator, Kecia Thornton at Thornton.Kecia@epa.gov or (202) 566-1913.

Attachments:

Draft Report Technical Comments

cc: Barry Breen, OLEM

Lindsay Clarke Brubaker, OIG
 Kimberley Lake De Pulla, OIG
 Gwendolyn Spriggs, OECA

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