



The report is produced by an independent technical advisor to interpret and help the community understand technical information about our Superfund Sites.

## EPA Releases the Unopposed Motion to Enter Consent Decree and Response to Comments for The LCP Marsh Site



This Technical Assistance Report covers the **Unopposed Motion to Enter Consent Decree** released by the Environmental Protection Agency in May 2017. This document also includes a record of the public comments received on the proposed **Consent Decree** released in July 2016, and EPA's response to those public comments. The Consent Decree is an agreement between the EPA and the polluters, Honeywell International, Inc. and the Georgia Power Company, that requires the polluters to cleanup the site. The Unopposed Motion to Enter Consent Decree describes why the EPA wishes that the Court find the Consent Decree adequate.

### *Historical Highlights*

- **August 1980: Site discovery**
- **1995: Remedial Investigation/Feasibility Study begin**
- **1996: Site added to National Priorities List**
- **July 2011: Estuary Human Health Baseline Risk Assessment**
- **June 2014: Estuary Feasibility Study**
- **November 2014: Estuary Proposed Plan**
- **October 2015: Record of Decision /Responsiveness Summary**
- **July 2016: Consent Decree and Statement of Work**
- **May 2017: Unopposed Motion to Enter Consent Decree**

June 2017

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This update and more information about Glynn County Superfund Sites at:

[www.glynnenvironmental.org](http://www.glynnenvironmental.org)

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What makes EPA consider the Consent Decree to be adequate?

If the Consent Decree requires Honeywell and Georgia Power to:

- 1) bear the cost of the cleanup
- 2) use the cleanup option that EPA has chosen
- 3) not use taxpayer money to clean up the marsh
- 4) not tie up the U.S. government in costly legal battles

to delay cleanup

**Even if the polluters follow the above items laid out in the Consent Decree, it will still not mean that the cleanup is adequate.** The public comments on the Consent Decree were concerned with the insufficient cleanup option that EPA chose because the community is still concerned about human and ecological health at the site.

## Community and Technical Concerns

The chosen remedy to clean up the LCP Chemicals site includes sediment removal, capping, and enhanced monitored natural recovery, also known as thin-layer placement. Only 24 acres are addressed by the chosen remedy, which does not include treatment of the contaminated sediment. It is unlikely that the chosen remedy will meet the surface water quality standards for polychlorinated biphenyls (PCBs) and mercury needed to remove the fish consumption advisories from St. Simons Sound. Elevated levels of mercury and Aroclor 1268 exceeding a set of cleanup levels that protect crabs and other animals living at the surface and within the marsh sediment will remain even after the selected remedy is completed.

### ***Community Concerns***

The community raised a number of issues including:

- 1) No long-term and continuous educational program to counter damage to community
- 2) Not sufficient budgeted funds for:
  - fish advisory signs
  - public outreach
  - implementation of a plan to gauge the effectiveness of these measures
  - no timeline for ending fish advisory or the risks of consuming seafood from the area
- 3) Too much reliance on institutional controls
- 4) Human Health Risk Assessment data relies on Savannah data, as does the ATSDR study, but EPA refuses to accept the results and outcomes of the ATSDR study as being useable information
- 5) The assessment of risk to human health due to seafood consumption does not include the African

American population

- 6) EPA refuses to recognize data from the Sapelo Island study indicating high levels of PCB intake from fish consumption by the Sapelo people.
- 7) Actions in the event of remedy failure and triggers for additional remedial actions

### ***Technical Concerns***

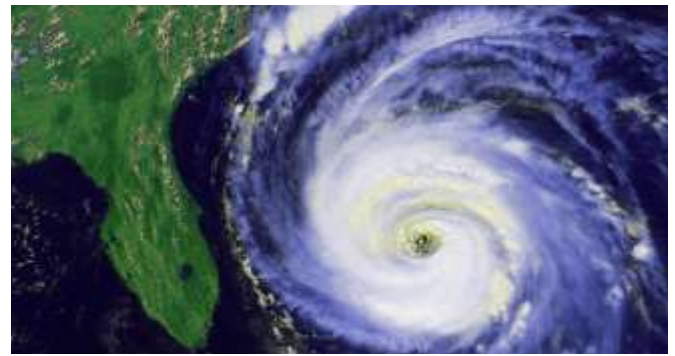
- 1) EPA used the wrong numbers for fish consumption for local anglers in Glynn County and these low estimates mean that EPA will allow more contamination in the fish, because they claim that people do not eat that much local fish. When fish tissue contamination does not decrease enough, EPA will have to come back to the site and do additional work.



- 2) EPA never included Sapelo Island, other islands, or the Turtle River as areas contaminated by the LCP site.
- 3) Chemicals remaining in other areas outside the LCP marsh will remain a problem for the animals, such as dolphins, the plants, and the people who need to or wish to consume fish from local waters.



- 4) The sampling in the LCP marsh was limited to sediment and water and did not look at marsh grass or most of the animals in the marsh. EPA has a very limited picture of the contamination that is present in the LCP marsh.



- 5) No one knows what will happen with polychlorinated biphenyl (PCB) contamination on Sapelo Island, in the Turtle River and nearby creeks, and in dolphins that swim into the river. EPA has not said that they will clean up the PCB contamination in these other places.
- 6) What will EPA do when the next big storm causes a big shift in the marsh? If a storm exposes more contamination, will EPA insist that Honeywell and Georgia Power come back out and cleanup more contamination?

## Cleanup Standards and Fishing Advisories

Fish consumption rates help set up the cleanup standards and goals that protect people from chemicals in the marsh. Chemicals like polychlorinated biphenyls (PCBs) and mercury are toxic, and health officials and scientists can estimate the amount of each chemical that can make a person sick. The chemicals found at and around the LCP Chemicals site accumulate in fish. The more contaminated fish a person eats, the more chemical they take in. The more contaminated the fish, the smaller the amount of fish that can be eaten and still be considered "safe". Based on current contamination levels, the Georgia Department of Health has fish consumption advisories in place to protect people's health. If the EPA underestimates how much fish people actually eat, then they will allow more contamination and will remove less contamination from the LCP marsh.

Another problem is that the EPA plans to let the fish consumption advisories for much of St. Simons Sound and Turtle River remain in place, assuming that these advisories actually work to stop people from eating

contaminated fish out of the local waters. EPA wrongly assumes that fish consumption is only in the Turtle River Brunswick area when it is really all of the St. Simons Sound estuary. Also, EPA did not respond to any of the comments that fish consumption advisories and other "**Institutional Controls**" do not work to prevent people from being exposed to chemical contamination from Superfund sites. A federal report found that Institutional Controls, such as fish consumption advisories, do not work.

*Costs of Fish Consumption Advisories*  
 The Consent Decree and all previous documents do not include any cost estimates for maintaining the fish consumption advisories as Institutional Controls in the future even though the advisories will be a required part of the plan. There is no funding for the Georgia Department of Natural Resources to do seafood sampling to base their seafood consumption advisories on, but Honeywell and Georgia Power should cover the cost of fish collection and analysis, no matter who does the actual fish collection.





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### Next Steps

The EPA will need to conduct a review of the Community Involvement Plan (May 2015). EPA should meet with GEC, community leaders, and elected officials and ask what should be changed.

After signing of the Consent Decree, Honeywell will have to write a detailed plan, called a Remedial Design, for each step of the work. Honeywell also has to do more sampling, called "baseline sampling" so that EPA will know what conditions are like in the marsh before the cleanup starts. Honeywell must also conduct a pilot project for spreading a thin layer cap of sediment on the marsh. The EPA should hold public information meetings on these steps in the clean up effort.

The community has a key role to play in the next part of the clean up, as EPA, Honeywell and Georgia Power take the steps outlined in the Consent Decree.

### Court Hearing—LCP Consent Decree:

June 30, 2017, 10:00 AM  
US District Court, Courtroom 1  
801 Gloucester St.,  
Brunswick, GA 31520



LCP public meeting

photo by Daniel Parshley