

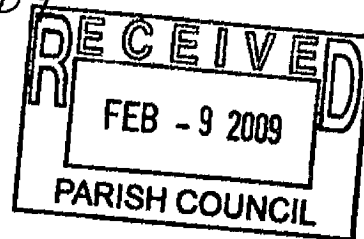
Council (Persons to Address the Council); Library (EB Regional Expansion)

2009-0056

PETITION TO ADDRESS THE COUNCIL

St. Charles Parish Council Chairman
P. O. Box 302
Hahnville, LA 70057
(985) 783-5000

Today's Date: 2/9/09



Dear Chairman:

Please place my name to address the Council on:

DATE:

February 16, 2009

SPECIFIC TOPIC:

(*see specific
guidelines on
reverse and
refer to

Parish Charter--
Article VII., Sec. I.)

East Regional Library Site and
adjacent B.P. land, Is It
Safe?

DOCUMENTS, IF ANY: ☒ YES ☐ NO

NAME:

Gwen Dufrene

MAILING
ADDRESS:

3551 Hwy. 306
Bayou Grosse, LA 70030

PHONE:

(985) 758-7870

SIGNATURE:

Gwen Dufrene

Dear Constituent:

Thank you for your active participation. Your views and comments will be considered by the Council in making our decisions. The Council has a considerable amount of business to conduct in a limited amount of time, therefore, please note the following items that are expected of you:

- The Home Rule Charter provides for citizens to address the Council. It makes no provision for initiating debate, discussion, or question and answer sessions with Councilmembers or Administration Officials. Your right is also guaranteed to examine public documents as you prepare your presentation. Should you have any questions for Councilmembers and/or Department Heads as you prepare, please forward such inquiries to the Council Office to insure a timely response. Should you wish to speak to any Official or Department personally, a complete list of contact information will be furnished at your request.
- Please be brief and limit your comments to the specific subject matter on which you have requested to address the Council.
- Please forward supporting documents to the Council Secretary for distribution to the Parish Council before your scheduled appearance in order for the Council to prepare themselves, if necessary.
- Upon completion of your allotted time to address the Council, please respect the time given to Councilmembers to respond to your comments by not interrupting or interjecting remarks.
- **Slanderous remarks and comments will not be tolerated.** If slanderous remarks or comments are made, your opportunity to address the Council will end, regardless of the remaining time left to address the Council.
- Repetitious comments and subject matter will be strictly limited.

A confirmation letter will follow when your name is placed on the agenda.

Sincerely

TERRY AUTHEMENT
COUNCIL CHAIRMAN

(OVER)

Subj: Amoco Study of Hazards is Critized
Date: 1/26/2009 7:34:34 A.M. Central Standard Time
From: Dfgwen
To: Dfgwen

AMOCO STUDY OF HAZARDS IS CRITICIZED

LISA FRAZIER River Parishes bureau

Published: September 1, 1989 *

A study by Amoco Oil Co. of hazardous materials on its defunct oil refinery site in Destrehan is progressing too slowly, St. Charles Parish officials say. Also, the results of the study should be reviewed by an independent consultant to determine whether they are accurate, said Steve Talbot of Destrehan, chairman of the Parish Council's Environmental Quality Committee.

The committee met with Amoco officials Wednesday night in Hahnville to discuss the findings of the first phase of the company's study of the 880-acre site.

Amoco officials presented the council with two thick volumes of technical data and discussed how the study was conducted.

*The data pinpoints potential problem areas that need further study under a planned second phase.

That phase will consist of more testing to determine the amount of the materials and an assessment of the risk to health and the environment. It is expected to be completed by April 1990.

But some council members said the company's testing process is dragging on too long.

Amoco should have given priority to some areas, such as property closest to the Harry Hurst Middle School off River Road, Councilman Steve Sirmon said.

"I think it's appalling that Amoco didn't check it out. . . . Kids are playing on those grounds," Sirmon said. "That's something that's going to come back and haunt us if there is a problem there."

New St. Charles Parish school Superintendent Thomas Tocco, who asked several questions during the meeting, said he, too, is concerned that the company has not evaluated whether the property poses a risk to the children.

Gregory Wurtz, director of Amoco's environmental remediation services, said the company wants to do a thorough investigation of the site.

"I want to assure you that we do stand ready to do whatever is necessary," Wurtz said. "I'd be the last to say we've done everything."

Amoco is under an order from the state Department of Environmental Quality to conduct a remedial investigation and feasibility study of the site.

Amoco operated the Pan American Oil refinery from 1915 to 1958, then dismantled it and sold the property to Illinois Central Railroad and developer Joseph **Canizaro**.

Attention focused on the site in 1987 when the state halted construction of Interstate 310, scheduled to go through the property, because hazardous materials were discovered. Asbestos, asphalt, tar and chemicals used in the oil refining process were found.

Amoco cleaned up the area around the interstate exchange and began its study.

But Talbot said the council should be provided an independent consultant to confirm Amoco's results.

"Right now they're in total control of the situation," he said.

Talbot said Thursday that he plans to schedule a meeting between parish officials and the Department of Environmental Quality to ask the department to require that Amoco pay for an independent consultant.

* "My opinion is that Amoco has deliberately used the laws to their advantage," Talbot said.

* Talbot accused Amoco of using cheap screening methods that may not accurately portray the danger of the situation.

But Amoco said its methods are approved by the state and federal governments.

During the meeting, Talbot questioned Amoco officials about documents contained in a recent **lawsuit** by **Canizaro** against the company. Canizaro says Amoco has mishandled the investigation and deliberately delayed the cleanup.

But a company attorney warned Talbot that the council meeting was not the forum to discuss the contents of the **lawsuit**.

Talbot said he raised the questions because the documents show that "there are some serious questions about the methods being used out there."

The meeting was adjourned when Sirmon and Councilman Curtis Johnson left the meeting early, leaving only two councilmen, not enough for a quorum. Johnson and Sirmon said they had other commitments.

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Subj: **COUNCIL ASKS EPA TO ASSIST**
Date: 1/26/2009 7:43:00 A.M. Central Standard Time
From: [Dfgwen](#)
To: [Dfgwen](#)

Times-Picayune, The (New Orleans, LA)

COUNCIL ASKS EPA TO ASSIST

LISA FRAZIER River Parishes bureau

Published: September 6, 1989

The St. Charles Parish **Council** plans to ask the federal government to require Amoco Oil Co. to involve an independent consultant in a study of a defunct oil refinery in Destrehan. The Parish **Council** unanimously approved Parish President Albert Laque's proposal that the federal Environmental Protection Agency require Amoco to pay for the consultant.

Laque said his proposal was prompted by what he considered "evasive and contradictory statements" made by Amoco representatives at a special meeting last week.

Amoco officials met with a parish **council** committee Aug. 30 to present findings from the first phase of the company's study of the 880-acre site, on which hazardous wastes have been identified. The data identify certain areas that need further study under a planned second phase.

But parish officials said after the meeting they were concerned that the study was taking too long and that Amoco had complete control over the project.

Under the proposal, the Parish **Council asks** the **EPA** to oversee the rest of the study, pay for land reclamation, if necessary, through its Superfund Section and require Amoco to hire an independent environmental expert.

The proposal also **asks** that the school system retain a recognized environmental science expert to evaluate the level of risk for students and staff at Harry Hurst Middle School, located on part of the site.

During the meeting last week, St. Charles Superintendent of Schools Thomas Tocco said he is concerned that the company has not evaluated the potential risk to students.

Amoco's Pan American Oil refinery operated from 1915 to 1958. The property is now owned mainly by New Orleans developer Joseph Canizaro, who has filed a lawsuit against Amoco.

Canizaro's lawsuit claims that Amoco has mishandled the investigation and deliberately delayed the cleanup.

Laque said his proposal is also based on "certain information filed in the Canizaro vs. Amoco lawsuit which is a cause for significant concern for the safety and health of St.

Charles residents, particularly students and staff at Harry M. Hurst Middle School. . ."

Amoco has maintained that the amount of time dedicated to the study is necessary for a thorough job.

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Subj: **AMOCO BUYS BACK WASTE SITE**
Date: 1/26/2009 7:39:41 A.M. Central Standard Time
From: Dfgwen
To: Dfgwen

Times-Picayune, The (New Orleans, LA)

AMOCO BUYS BACK LA. WASTE SITE

STEPHEN CASMIER River Parishes bureau

Published: December 7, 1989

Amoco Oil Co. has bought back from real estate developer Joseph C. **Canizaro** more than 800 acres in St. Charles Parish known to contain hazardous waste. Neither party would say how much Amoco paid for the property in an out-of-court settlement of a **lawsuit Canizaro** filed against the Chicago oil company.

Canizaro sued Amoco last year when his plans to expand his business park on River Road near the Hale Boggs Bridge were curtailed by discovery of oil wastes left over from a defunct refinery.

Amoco's predecessor, Pan American Oil, operated the refinery on River Road near the Destrehan Plantation from 1915 to 1958. When the refinery was dismantled, oil sludge, asbestos, heavy metals and other hazardous chemicals were dumped in pits, lagoons and drums throughout the property.

Canizaro bought part of the property from Amoco in 1971 and the rest from the Illinois Central Gulf Railroad in 1973.

He said the site will be cleaned up more efficiently with Amoco as the owner.

"The best thing in the world was for them to own the property," he said.

Canizaro has developed much of the downtown New Orleans skyline since 1970. He built Canal Place, the Holiday Inn Crowne Plaza, the Lykes and Texaco buildings and the LL&E Tower.

But a year ago, **Canizaro**, under pressure from the depressed office market in New Orleans and the oil patch, reorganized his finances in a non-court deal with his banks and put a number of properties on the market.

The sale to Amoco allows **Canizaro** to pay off "a substantial amount of debt" and generate some cash to get his real estate development operation moving again.

Because the opportunities for profitable ventures are slim in New Orleans and the Gulf South, **Canizaro** has been looking elsewhere. He said Wednesday he is working on possible ventures in Spain and France. He also has built houses in Houston.

A public affairs adviser for Amoco, Margaret Laney, said the company plans to move forward with its investigation of the property.

"Our priority is to complete the remedial investigation and remedial activity," Laney said. She said the investigations will be conducted under supervision of the Louisiana Department of Environmental Quality. Amoco also plans to keep in contact with parish officials.

Laney said the first phase of the remedial study has been completed and investigators found the area presented no immediate danger to people.

Amoco's immediate plans, Laney said, are to fence in 7 acres of land on the site that are known to contain lead at toxicity levels above EPA standards.

In addition to the land, Amoco bought two buildings from **Canizaro**. Both are on the Plantation Business Campus, which is on the land.

Laney said the change in ownership will not affect the four or five businesses leasing space in the Plantation Business Campus.

"Whatever his (**Canizaro's**) relationship was with them we will now be taking over that relationship," she said.

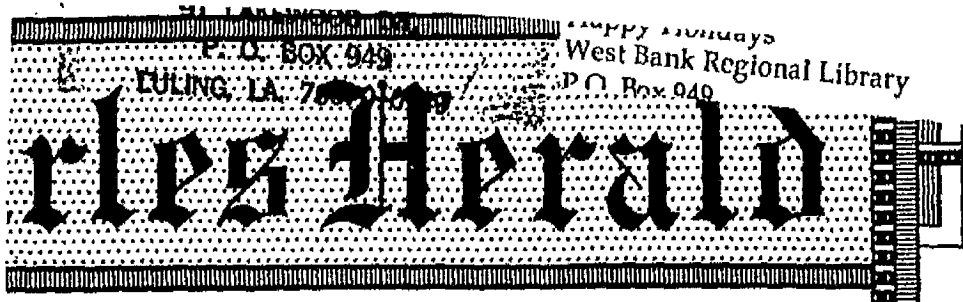
Although Laney said Amoco's interests are investigating and cleaning up the site, **Canizaro** said Amoco still is interested in developing the area.

"They're just as interested as anybody in developing some value out of it," he said.

Discovery of toxic wastes at the site temporarily halted construction of Interstate 310 in 1987 and prompted the St. Charles Parish School Board to spend more than \$30,000 for an analysis of the grounds of a nearby school.

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Amoco settlement detailed

Amoco Oil Company and Joseph C. Canizaro announced that they have amicably resolved all litigation which was pending between them in the U.S. District Court for the Eastern District of Louisiana.

As part of the settlement, Amoco Oil Company reacquired from Canizaro a property in St. Charles parish, where Amoco formerly operated an oil refinery and where the company is now conducting an environmental remediation investigation.

According to Canizaro, "The ownership of the property created financial differences between the parties, but we both shared the common interest of resolving the environmental questions

about the property so that clean up activities could proceed as quickly as possible."

"The amicable resolution we have reached benefits both parties concerned in the law suit as well as the community since it will accommodate the continuation of the environmental investigation and remediation."

Now that it has reacquired the former refinery property, Amoco will continue its remedial investigation of the property under supervision of the Louisiana Department of Environmental Quality (DEQ) and in cooperation with St. Charles parish, according to Alvin T. Keith, manager of environmental remediation services for Amoco.

"The first phase of Amoco's investigation of the site indicated no imminent hazard to the surrounding community," Keith said. "Amoco did find hazardous waste in two small areas of the property. Now that Amoco owns the property, we plan to proceed immediately with fencing these areas

"Amoco is currently planning the Phase II stage of our investi-

complete, we will present options to the DEQ for remedial actions to resolve any problems on the site," said Keith. "Amoco's proposed remedial activities will be subject to public comment at the time they are presented. In the meantime, Amoco intends to keep the parish informed of the company's progress and plans for the property."

The approximately 800-acre property is located in Destrehan between River Road and Hwy. 61. Amoco discontinued refining operations in Destrehan in 1958 and sold the property. Canizaro purchased a portion of the property from Amoco in 1971 and the remainder from the Illinois Central Gulf Railroad Company in 1973.

Under separate arrangements, Amoco purchased two buildings, Campus Center One and Service Center One, which are located on the property's Plantation Business Campus and which the company plans to partially occupy. Ownership of all other buildings included in the business campus remains unchanged.

Amoco Oil Company is a

Subj: **I know Mary Swerczek**
Date: 1/28/2009 5:58:34 P.M. Central Standard Time
From: Dfgwen
To: Dfgwen, Shonnariggs, carolscakes@cox, rdavis@chej.org, slester@chej.org, cyborgdale@yahoo.com, wafont@cox.net, Phinda9
CC: rdbkey@yahoo.com, jperilloux@cox.net

Times-Picayune, The (New Orleans, LA)

BP plan would revive vacant refinery site

Matthew Brown and Mary Swerczek
River Parishes bureau
Published: September 3, 2004

A 170-acre redevelopment **plan** including office space, warehouses, shopping, a theater and a hotel surrounding a historic plantation house is being crafted for the former Pan American **Refinery** in Destrehan, **site** of an intensive environmental remediation that ended five years ago. The British oil company **BP** owns the 880-acre **vacant refinery site** fronting River Road, at the base of the Hale Boggs Bridge along Interstate 310 in St. Charles Parish. The 170-acre redevelopment area covers a wooded tract that wraps around the sides and rear of Destrehan Plantation.

If preliminary **plans** for the **site** are realized, it **would** mark an economic boost for St. Charles and a monumental change for a quiet stretch of River Road first settled by German immigrants more than 200 years ago.

Yet, many issues remain unresolved, ranging from environmental clearances to whether the area's population is large enough to support the type of project envisioned. Another possible sticking point is a request for public financing of about \$1.2 million in roadways on the **site**.

BP has asked St. Charles Parish to build a boulevard and a second, connecting street within the **refinery** tract in exchange for donations of 25 acres to the parish and five acres to the St. Charles library board, according to representatives of **BP**, the library and the parish.

Parish Administrator Tim Vial said no deal has been finalized.

"We're still in discussions with the library as to how we can find some money to build the road," Vial said. He added, however, that parish administrators welcome **BP's** overall **plan** as a boost for the parish's tax base.

Library officials want to use the five acres to build a new east bank library for \$3.3 million, replacing the Destrehan branch about a mile away, according to Library Board president Willie Scott and board architect Norman Chenevert, who also is working for **BP** to draft the company's master **plan** for the 170-acre redevelopment.

Crowd pleaser

Chenevert said Destrehan Plantation, a Creole-style home that draws thousands of tourists annually, represents "the theme we're working everything around."

"It already has synergy to it, it's a destination point and it's an anchor of the history of the east bank" of the parish, he said.

Surrounding the plantation, he said, **would** be a mix of retail, commercial and industrial space. At the front of the **site** -- behind the new library -- **would** be restaurants, a grocery store, movie theater complex, hotel and office buildings. At the rear of the **site**, along the Illinois Central Railroad track, **would** be warehouses and other light industry, Chenevert said.

BP spokesman Hugh Depland said the **plan** being drafted by Chenevert is subject to revision or even rejection.

"There is nothing at this point that's hard-wired," he said, adding that **BP** continues to "look at what the options are for what to do." One option, he said, is to leave the **site** as-is.

However, the company has already taken initial steps to prepare the land for redevelopment.

Chenevert said a conceptual **plan** is 80 percent complete and **would** be finished this month. A **site** cleanup company, Texas-based URS Inc., has been hired by **BP** affiliate Atlantic Richfield to clear remaining debris from the **refinery** grounds.

Two weeks ago, Atlantic Richfield signed an agreement with the St. Charles Parish School Board that gives URS employees access to the 170 acres, through the rear of Harry Hurst Middle School property.

Part of history

BP also has been in discussions with local historical groups, including the operators of Destrehan Plantation, to garner community support for the project.

"We're happy they've let us know the intent to do this," plantation manager Nancy Robert said.

Robert said she is in favor of the proposal, which Chenevert said includes an offer from **BP** to donate an additional two or three acres to the plantation.

And despite such cooperation and the **plan's** possible economic benefits, not everyone likes the idea of a major retail and commercial center along River Road.

Sharon Orlando, an author who lives nearby in Destrehan, said existing strip malls already

have tarnished the road's historic feel. A large-scale development such as the one now being drafted, she said, could ruin it forever.

"This is some of your oldest parts of Louisiana history here," said Orlando, who acknowledged that she "doesn't like progress to a certain degree."

"I just don't think modern buildings should be going up on River Road," she said. She added that moving the east bank library **would** put it out of reach of many children and older people who can walk to the existing building.

Meanwhile, **BP** must deal with some of the **refinery site's** more recent history before any redevelopment can proceed.

Much of the soil under the **site** was contaminated with phenol, lead and petroleum hydrocarbons during the 45 years the Pan American **Refinery** was in operation, said John Halk, state Department of Environmental Quality environmental scientist manager.

The **refinery** closed in 1958, and a cleanup by the facility's former owner, Amoco, began in 1997.

To contain the pollutants, contractors working for Amoco spread layers of clay over contaminated areas. More severely contaminated areas were capped with a layer of clay thick enough to prevent water intrusion, Halk said.

Lower standards

In 1999, the DEQ declared the area acceptable for its existing use, but that was based on the assumption that it **would** remain **vacant**, Halk said.

"They weren't going to parcel out the property or sell the property that had the existing residual contamination on it," Halk said.

BP acquired the **site** when it merged with Amoco in 1999, Depland said.

In 2002, **BP** officials approached the DEQ with **plans** to redevelop the land, Halk said. State scientists in November of that year started a second pollution evaluation that is not completed, he said.

He said it is possible that **BP** will have to take additional cleanup steps before moving ahead with any redevelopment. But he added that the standard for acceptability **would** be lower under a commercial project proposal than if the company wanted to put houses on the **site**.

Vial said he did not think the pending DEQ decision **would** derail the project.

"I'm very comfortable that when they give them the green light, they're going to be very

satisfied that it's all cleaned up," he said.

...

Matthew Brown can be reached at mbrown@timespicayune.com or (985) 652-0958. Mary Swerczek can be reached at mswerczek@timespicayune.com or (985) 652-0959.

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DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN BABINEAUX BLANCO

GOVERNOR

MIKE D. McDANIEL, Ph.D.

SECRETARY

7004 1160 0001 9950 9509

* OCT 12 2007 *

John Allaire
Environmental Business Manager Building
BP America Inc.
Amegy Building, MC: AMG-2
2501 Palmer Hwy, Suite 200
Texas City, TX 77590

Re: No Further Action Notification
Areas of Investigation (AOI) and Named Sites
Former Pan American Refinery, Agency Interest Number (AI) 4356

Dear Mr. Allaire:

The Louisiana Department of Environmental Quality - Remediation Services Division (LDEQ-RSD) has completed its review of the record for the entire AI. The primary focus of this review was the Areas of Investigation (AOI) including "Named Sites" and numbered AOI that are within boundaries of the Former Pan American Refinery south of the Illinois Central / Canadian National Railroad switchyard located on LA Highway 48 (River Road) in Desrehan, St. Charles Parish. Based on this review, we have determined that no further action is necessary at this time on all but two areas, "Sites 9 & 18" and "AOI-3A". The Basis of Decision for this notification is attached.

No soils may be removed from this site without prior approval from LDEQ unless they are removed and disposed at a permitted disposal facility.

If you have any questions or need further information, please call Thomas L. Stafford at (225) 219-3222. Thank you for your cooperation in addressing these areas.

Sincerely,

Keith L. Casanova, Administrator
Remediation Services Division

Attachments: BOD, AI/AOC / AOI Drawings

Cc: Robert N. Jennings, P.E; URS Corporation;
9801 Westheimer, Suite 500; Houston, TX 77042

ENVIRONMENTAL SERVICES

: PO BOX 4313, BATON ROUGE, LA 70821-4313

P:225-219-3181 F:225-219-3309

WWW.DEQ.LOUISIANA.GOV

BASIS OF DECISION FOR NO FURTHER ACTION

Former Pan American Southern Refinery

Agency Interest Number (AI) 4356

INTRODUCTION

The Louisiana Department of Environmental Quality -- Remediation Services Division (LDEQ-RSD) has determined the regulatory status of all of the Areas of Investigation (AOI) on the land between La. Hwy 48 (River Road) and the railroad switch yard, approximately two-hundred and thirty-eight acres, which was used by the Former Pan American Southern Refinery, the Area of Concern (AOC), except AOI-3A. A drawing of the AI, with outlines of the various AOI is attached to this Basis of Decision (BOD) (Attachment 1).

Many of these AOI including AOI-A, AOI-B, AOI-C, AOI-2, AOI-4, AOI-8, AOI-9, AOI-10, Undeveloped Area, and Destrehan Plantation License Area comply with "Louisiana Department of Environmental Quality Risk Evaluation Corrective Action Program" (RECAP) "non-industrial Screening Standards" (SS_{ni}), "Management Option - 1 RECAP Standards" (RS) (MO-1 RS_{ni}), or Management Option - 2 (MO-2) RECAP Standards (RS) (MO-2 RS_{ni}). Therefore, they have been granted No Further Action - At This Time (NFA - ATT) status for non - industrial uses.

LDEQ-RSD has determined that AOI-1, AOI-3B, AOI-5, AOI-6, and AOI-7, while not meeting SS_{ni}, MO-1 RS_{ni}, or MO-2 RS_{ni}, do meet industrial SS_i, MO-1 RS_i, or MO-2 RS_i. Therefore, they have been granted NFA - ATT status based upon industrial use. Conveyance notifications have been recorded with the St. Charles Parish Clerk of Court for each of these AOI. These conveyance notifications provide plats with surveyed boundaries tied to Lambert State Plane Coordinate System for Louisiana, South Zone, NAD 27 benchmarks. The notifications include drawings that show where samples that contained contaminant concentrations that exceeded RS_{ni} standards were collected.

AOI-3A is excluded from NFA - ATT status at this time. It is contaminated with petroleum coke, which was pressed into the ground by the weight of the piles in which it was stored during the operation of the facility. The final remedy for this parcel is currently under consideration. The area is temporarily fenced off until its use and final remedy are determined.

The "Capped Area" (Sites 9 & 18) does not meet non-industrial or industrial RS. Therefore, it is excluded from NFA - ATT status at this time. This parcel was contaminated by releases from fuel, tetraethyl lead & phenol storage units and blending facilities during the operation of the refinery. The concerns of the public and the depth and nature of the contamination made removal impractical. Therefore, it is capped with a geo-synthetic material (Clay-Max®) comprised of geo-synthetic fibers impregnated with clay, a plastic liner, and nine inches of topsoil, which was seeded to develop and maintain a good vegetative cover of shallowly rooted plants. This combination is equivalent to two feet of compacted clay, which was the cap required for a waste unit at the time it was constructed. Utilization of the "Capped Area" will require cooperation between any one who

BOD, AI 4356, British Petroleum, Former Pan American Refinery
Page 2

purchases it, LDEQ, and British Petroleum (BP). A conveyance notice, which further describes the condition of Sites 9 & 18, has been recorded with the St. Charles Parish Clerk of Court.

BACKGROUND

The refinery operated from the early "1900's" - 1958, when it was dismantled. It produced tar, heating oil, gasoline, lubricating oil, asphalt, and other petroleum products. Usable equipment was sent to other Pan American Oil Co. (Amoco's predecessor) facilities. The land was sold to Plantation Business Campus, Inc. (PBC) between 1971 and 1972. PBC sold off many parts of the refinery to others. PBC also cleared the southeast one quarter of the site for the business campus. The Louisiana Department of Transportation and Development (DOTD) purchased the right-of-way for the Mississippi River Bridge and Interstate 310. Amoco Oil Co. Inc. repurchased the parts of the land that PBC still owned and some plots that others owned in 1990.

The Remedial Investigation (RI) of the entire eight-hundred and eighty acre refinery area by Amoco and the LDEQ began in 1986. The RI included: review of facility records; review of DOTD and U. S. EPA investigations; visual examination of the entire property; and installation of five "nests" of three wells, one screened in each zone: "shallow zone"; 10-15 ft. below ground surface (bgs); "intermediate zone", 25-35 ft. bgs; and "deep zone" 45-55 ft. bgs.

Data from these reviews, examinations, and installations were reported in the "Site Reconnaissance Report" (SRR) submitted on Amoco's behalf by James M. Montgomery Engineers and G&E Engineering in February of 1988. The SRR identified forty-five sites on the south-side of the tracks that needed additional investigation and defined the dominant groundwater flow characteristics in each of the permeable zones. This information was used to develop plans for collecting and analyzing samples of soil, waste, and groundwater in and around waste disposal areas, tanks, process units, underground piping, canals, and other features that could have released contaminants.

These investigations concluded with a report entitled "*Remedial Investigation and Risk Assessment, Amoco Oil Company, Former Pan American Refinery Site, Destrehan, Louisiana*" dated July 1, 1991 (RI). The results of the RI support the following conclusions:

- 1) The Ethyl Blending area and Continuous Treating area, designated as Sites 9 and 18 on Attachment 1 were the only sites on the south side of the railroad tracks that required additional investigation and or corrective action due to potential human health risk;
- 2) Groundwater, except that within and immediately adjacent to Sites 9 and 18 was not contaminated by refinery activity; and
- 3) There were a number of areas, including (AOI-3A) aesthetically impacted by non-hazardous tarry residue from tank failures, petroleum coke from stock-piles, and other non-hazardous wastes.

The RI was the basis for the "*Feasibility Study for the Former Pan American Refinery*" (FS) report dated July 1, 1993. The FS evaluated remedial technologies that could be potentially applied to Sites 9 and 18. Based on the results of the RI, FS, and associated Public Comment the LDEQ selected capping of Sites 9 and 18 in accordance with solid waste regulations. This selection was

BOD, AI 4356, British Petroleum, Former Pan American Refinery
Page 3

partially driven by the community's concern about the dangers of excavation, the odors that would be produced, and the hauling of hazardous materials on the roads.

The LDEQ and Amoco entered into a Cooperative Agreement for the Environmental Remedial Action and Monitoring Agreement (ERMA) in June, 1995. This agreement governs remediation, monitoring, response to new problems or releases, and future utilization of the land. Completion of the remedial actions envisioned in the ERMA is certified in a report titled *"Certification of Completion of Remedial Actions and Construction Completion Report, Former Pan American Refinery, Destrehan, Louisiana"* submitted on May 21, 1999.

RECAP INVESTIGATIONS, RESULTS, & REMEDIAL ACTIONS

In March, 2000 British Petroleum (BP) / Amoco initiated discussion of the requirements for "reutilization" of areas of the site that are south of the railroad tracks that are currently undeveloped and minimally impacted. These discussions resulted in a work plan for additional investigation in accordance with RECAP as amended in 2003 titled *"RECAP Work Plan, Former Pan American Refinery, Destrehan, Louisiana"* (Plan) dated March 19, 2003.

The Plan discussed the usability of data from previous investigations and remedial activities. Data from analyses of soil for volatile organic constituents was unusable due to the sample collection and preservation methods. Some of the other data was unusable due to elevated quantitation limits. However, all of the groundwater data was usable. These data demonstrated that the groundwater zones should be classified as Groundwater 3A due to a maximum sustainable yield of less than 800 gallons per day and the absence of any domestic or agricultural wells within a one-mile radius. These data also show that with the exception of wells in and immediately adjacent to Sites 9 and 18 (Capped Area), groundwater has not been impacted by refinery operations.

This investigation culminated with a report titled *"MO-1 Summary, Former Pan American Refinery, Destrehan, Louisiana"* (MO-1 Report) on April 16, 2004 submitted by URS on behalf of Atlantic Richfield (AR) and BP / Amoco. The MO-1 Report was approved by RSD on August 3, 2005.

On May 31, 2005, BP requested a NFA - ATT for the areas labeled Undeveloped Area, and Destrehan Plantation License Area. LDEQ requested sampling in accordance with RECAP for this area as it was omitted from the investigations discussed above. The results of this investigation were presented in a report dated August 15, 2005 titled *"Results from Undeveloped Area Sampling"* (UAS) submitted by URS on behalf of AR.

AOI MEETING RECAP NON-INDUSTRIAL REMEDIAL STANDARDS

Data presented in the RI, FS, Completion Report, UAS, and MO-1 Report serve as the basis for NFA-ATT determinations for AOI-A, AOI-B, AOI-C, AOI-2, AOI-4, AOI-8, AOI-9, AOI-10, Undeveloped Area and Destrehan Plantation License Area. These AOI meet "Louisiana Department of Environmental Quality Risk Evaluation Corrective Action Program" (RECAP) non-industrial Screening Standards (SS_{NI}), Management Option - 1, or Management Option - 2 non-industrial RECAP Standards (RS) (MO-1 RS_{NI}), (MO-2 RS_{NI}). Therefore, they are granted NFA - ATT for non - industrial uses. These AOI are individually described below:

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AOI-A

This AOI comprises 3 acres located north of Harry Hurst Middle School (HHMS) and west of the I-310 Right of Way (ROW). Access to this site is currently limited by private residences on the west; Railroad Right of Way (RRROW) on the north, I-310 ROW on the east, and HHMS on the south. There was one crude oil storage tank site identified as Site 52 in this AOI. Two locations were sampled during the RI. Ten samples were collected from three locations during the RECAP investigation.

Table 1. Contaminants In AOI-A Soil That Exceed Non-Industrial Screening Standards			
Contaminant	Maximum Concentration	SS	Limiting Standard
TPH-ORO	210 mg/kg	180 mg/kg ¹	1800 mg/kg ²

1. Non-Industrial Screening Standard for direct contact with soil
2. RECAP Standard Calculated for a 30 acre area for non-industrial direct contact with soil.

This AOI meets non-industrial RECAP criteria.

AOI-B

AOI-B comprises 13.7 acres in the northwest corner of the AI. Access is limited by residences to the west, RR to the north, I-310 ROW to the east, and HHMS on the south. This AOI was unused during the operation of the facility. This AOI was not sampled during the RI. Seventeen samples were collected from six locations during the RECAP investigation. This AOI meets non-industrial RECAP criteria.

AOI-C

AOI-C comprises 8.3 acres. It is bounded by HHMS on the west, I-310 ROW on the east, and LA 48 on the south. The southern end is used for parking for activities that occur on the east side of the I-310 ROW. There is also a grassy area and some play ground equipment north of the parking area. The remainder of the AOI is fenced off from this area. It was unused during the operation of the refinery. No samples were collected from this area during the RI. Ten samples were collected from four locations during the RECAP investigation. This AOI meets non-industrial RECAP criteria.

AOI-2

AOI-2 comprises 30 acres in the southwest corner of the AI east of the I-310. It was used for crude oil, asphalt, and coker feed stock storage. Nine samples were collected from five locations during the RI. Five samples were collected from five locations during the RECAP investigation. TPH-ORO was the only contaminant (4,400 mg/kg) whose maximum concentration, exceeded SS_{NI} (180 mg/kg). The Upper Confidence Level on the Mean (UCLM), a statistical upper bound estimate of the mean, was 1100 mg/kg, which also exceeds SS_{NI}. The UCLM is lower than the MO-1RS_{NI}, 1800 mg/kg calculated for a thirty acre area. This AOI meets RECAP criteria for non-industrial uses.

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AOI-4

AOI-4 comprises 6.6 acres located east of AOI-1 and south of AOI-3B. It contained crude oil storage tanks. Ten samples were collected from 5 locations in the course of the RI. Three samples were collected from 2 locations during the RECAP investigation. Methylene chloride was the only contaminant concentration (0.079 mg/kg) that exceeded SS, 0.017 mg/kg. It is lower than the MO-1RS_{ni} calculated for a 30 acre area, 0.41 mg/kg. This AOI meets non-industrial RECAP criteria.

AOI-8

This 7.5 acre AOI is located adjacent to the RROW on the eastern half of the AOC. Twenty-two samples were collected from twelve locations during the RI. A single sample was collected to confirm the RI results during the RECAP investigation. Methylene chloride was the only contaminant, at a concentration of 0.079 mg/kg that exceeded SS, 0.017 mg/kg. It is lower than the MO-1RS_{ni} calculated for a 30 acre area, 0.41 mg/kg. This AOI meets non-industrial RECAP criteria.

AOI-9

AOI-9 comprises approximately 30 acres located in the northeast corner of the AOC. Five samples were collected from four locations during the RI. Three samples were collected from three locations to confirm the RI results during the RECAP investigation. There are two chemicals that exceed SS_{ni}. Antimony, at 13.9 mg/kg, exceeds the SS_{ni} of 3.1 mg/kg and methylene chloride, at 0.079 mg/kg, exceeds the SS_{ni} of 0.017 mg/kg. These concentrations are less than the MO-1RS_{ni} for each of the contaminants, antimony, 31.0 mg/kg, and methylene chloride, 0.17 mg/kg. This AOI meets RECAP criteria for non-industrial uses.

AOI-10

AOI-10 occupies approximately 30 acres located in the southeast corner of the AOC. Four samples were collected from three locations during the RI. Ten samples were collected from four locations to confirm the RI results during the RECAP investigation. There is one element that exceeds SS_{ni}. Antimony, at 13.9 mg/kg, exceeds the SS_{ni} of 3.1 mg/kg. These concentrations are less than the MO-1RS_{ni} 31.0 mg/kg. This AOI meets RECAP criteria for non-industrial uses.

UNDEVELOPED AREA AND DESTREHAN PLANTATION LICENSE AREA

LDEQ requested sampling in accordance with RECAP for the Undeveloped Area, and Destrehan Plantation License Area because they were omitted from the investigations discussed above. The results of this investigation were presented in a report dated August 15, 2005 titled "*Results from Undeveloped Area Sampling*". These AOI meet non-industrial SS criteria.

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AOI MEETING RECAP INDUSTRIAL REMEDIAL STANDARDS

LDEQ-RSD has determined that AOI-1, AOI-3B, AOI-5, AOI-6, and AOI-7, while not meeting SS_{NI}, MO-1 RS_{NI}, or MO-2 RS_{NI}, do meet industrial SS_I, MO-1 RS_I, or MO-2 RS_I. Therefore, they are granted NFA - ATT status as long as they are utilized for industrial purposes. Conveyance Notices including plats with surveyed boundaries tied to Lambert State Plane Coordinate System for Louisiana, South Zone, NAD 27 benchmarks have been placed in the conveyance and mortgage records for St. Charles Parish. The notices include drawings that show where samples that contained contaminant concentrations that exceeded RS_{NI} standards were collected. Each of these conveyance notices states that the AOI "was closed with contaminant levels present that are acceptable for industrial use of the property as described in the Louisiana Department of Environmental Quality Risk Evaluation Corrective Action Program (RECAP), Section 2.9".

AOI-1

AOI-1 is in the northwest corner of the AI that is on the east side of the I-310 interchange. It comprises approximately 30 acres. It contained crude, asphalt, and coker feed storage tanks. Twenty samples were collected from nine locations during the RI. Eight samples were collected from four locations during the RECAP investigation. Most of the elevated concentrations were detected in one sample collected during the RI from within the foot print of one of the storage tanks. Soil within and immediately surrounding the tank's foot print was excavated to a depth of three feet below ground surface. Confirmation samples were collected from the bottom of the excavation and analyzed for the compounds that had exceeded RECAP criteria. Listed in the table below are the contaminants, maximum concentrations, non-industrial SS, and limiting RS for each contaminant.

Table 2		Contaminants In AOI-1 Soil That Exceed Non-Industrial Screening Standards After Excavation		
Contaminant	Max. Conc.	SS	95%UCLM	Limiting Standards
benzo(a)anthracene	3.1 mg/kg	0.62 mg/kg	1.1 mg/kg ²	2.9 mg/kg ¹
TPH-ORO	1200 mg/kg	179 mg/kg		2,500 mg/kg ³

1. Screening Standard for direct contact with soil in a non-industrial setting.
2. 95% Upper Confidence Level on the Mean, is a statistical upper bound estimate of the mean.
3. RECAP Screening Standard for an industrial setting.

Results of the RI, RECAP investigation, and analyses of confirmation samples demonstrate that AOI-1 meets RECAP criteria for industrial use. A conveyance notice for this AOI has been recorded in St. Charles Parish.

AOI-3B

AOI-3B comprises 3.9 acres on the northern side of the AOC. It is immediately south of the RR and east of AOI-1. Twelve samples were collected for analyses from seven locations during the RI. Twenty-one samples were collected for analyses from 11 locations during the RECAP

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investigation. The table below lists compounds detected in excess of SS_{NI}, their concentrations, and the applicable RS are listed in the table below.

Table 3. Contaminants In AOI-3B Soil That Exceed Non-Industrial Screening Standards			
Compound	Maximum Concentration	SS	Limiting Standards
TPH-DRO	370 mg/kg	64.9 mg/kg ¹	2,600 mg/kg ²
TPH-ORO	1,900 mg/kg	180 mg/kg ¹	2,500 mg/kg ³

- 1 SS for soil to GW1, AOI is in a GW3NDW zone. The Point Of Exposure is >4000' away.
- 2 RECAP Standard Calculated for a 30 acre area in an industrial setting.
- 3 Screening Standard for direct contact with soil in an industrial setting.

Results of the RI and RECAP investigation demonstrate that AOI-3B meets RECAP criteria for industrial use. A conveyance notice for this AOI has been recorded in St. Charles Parish

*** AOI-5**

This AOI comprises 11.5 acres located just north and west of the Undeveloped Area, License Area, and Destrehan Plantation. It was used for offices, laboratories, repair shops, and other small facilities. Two samples were collected from two locations in the course of the RI. Ten samples were collected from four locations during the RECAP investigation. The contaminants that were detected in excess of RS_{NI}, their concentrations, and the applicable RS are listed in the table below.

Table 4. Contaminants In AOI-5 Soil That Exceed Non-Industrial Screening Standards			
Compound	Maximum Concentration	SS	Limiting Standards
methylene chloride	0.088 mg/kg	0.017 mg/kg ¹	1.0 mg/kg ²
TPH-ORO	1,600 mg/kg	180 mg/kg ¹	2,500 mg/kg ³

- 1 SS for soil to GW1, AOI is in a GW3NDW zone. The Point Of Exposure is >4000' away.
- 2 RECAP Standard Calculated for a 30 acre area in an industrial setting.
- 3 Screening Standard for direct contact with soil in an industrial setting.

Results of the RI and RECAP investigation demonstrate that AOI-5 meets RECAP criteria for industrial use. A conveyance notice for this AOI has been recorded in St. Charles Parish.

AOI - 6

AOI-6 comprises 11.5 acres located north of the Undeveloped Area and Destrehan Plantation License Area. Thirty samples were collected from sixteen locations during the RI. Sixteen samples were collected from seven locations during the RECAP investigation. The contaminants that were detected in excess of RS_{NI}, their concentrations, and the applicable RS are listed in the table below.

Table 5. Contaminants In AOI-6 Soil That Exceed Non-Industrial Screening Standards				
Compound	Max. Conc.	SS	UCLM 95%	Limiting Standard
benzene	0.13 mg/kg	0.051 mg/kg ¹		1.5 mg/kg ²
benzo(a)anthracene	1.1 mg/kg	0.62 mg/kg ¹		2.9 mg/kg ²

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Table 5. Contaminants In AOI-6 Soil That Exceed Non-Industrial Screening Standards				
Compound	Max. Conc.	SS	UCLM 95% ¹	Limiting Standard
benzo(a)pyrene	1.0 mg/kg	0.33 mg/kg ²	0.32 mg/kg	0.33 mg/kg ³
lead	280 mg/kg	100 mg/kg ²		400 mg/kg ³
methylene chloride	0.5 mg/kg	0.017 mg/kg ²		19.0 mg/kg ⁴
2-methyl-naphthalene	57.0 mg/kg	1.7 mg/kg ²		170 mg/kg ⁴
naphthalene	1.8 mg/kg	1.5 mg/kg ²		6.2 mg/kg ⁴
TPH-GRO	200 mg/kg	64.9 mg/kg ²	6.4 mg/kg	512 mg/kg ⁴
TPH-DRO	1,900 mg/kg	64.9 mg/kg ²	570 mg/kg	2,700 mg/kg ⁵
TPH-ORO	3,400 mg/kg	180 mg/kg ²	1,400 mg/kg	1,800 mg/kg ⁶

1 95% Upper Confidence Level on the Mean, is a statistical upper bound estimate of the mean.

2 SS for soil to GW1, AOI is in a GW3NDW zone. The Point Of Exposure is >4000' away.

3 Screening Standard for direct contact with soil in a non-industrial setting

4 Screening Standard for direct contact with soil in an industrial setting

5 RECAP Standard Calculated for a 30 acre area in an industrial setting

6 RECAP Standards Calculated for direct contact with soil in a 30 acre area in a non-industrial setting

Results of the RI and RECAP investigation demonstrate that AOI-6 meets RECAP criteria for industrial use. A conveyance notice for this AOI has been recorded in St. Charles Parish..

AOI-7

AOI-7 is located on the southeastern portion of the AOC. It comprises approximately 19 acres. It contained several different production units and light products storage tanks. Sixteen samples were collected from twelve locations during the RI. An additional nine samples were collected from four locations during the RECAP investigation. The contaminants that were detected in excess of RS_{iii}, their concentrations, and the applicable RS are listed in the table below.

Table 6. Contaminants In AOI-7 Soil That Exceed Non-Industrial Screening Standards				
Compound	Maximum Concentration	SS	95%UCLM ¹	Limiting Standard
arsenic	28.0 mg/kg	12.0 mg/kg ²	9.4 mg/kg	12.0 mg/kg ²
lead ⁴	3,000 mg/kg	100 mg/kg ²	850 mg/kg	1400 mg/kg ⁴

1 95% Upper Confidence Level on the Mean, is a statistical upper bound estimate of the mean.

2 Screening Standard for direct contact with soil in a non-industrial setting

3 SS for soil to GW1, AOI is in a GW3NDW zone. The Point Of Exposure is >4000' away.

4 RECAP Standards Calculated for direct contact with soil in a 30 acre area in a non-industrial setting

Results of the RI and RECAP investigation demonstrate that AOI-7 meets RECAP criteria for industrial use. A conveyance notice for this AOI has been recorded in St. Charles Parish.

In accordance with LAC 33:I. Chapter 13, if land use is going to be changed from industrial to non-industrial, the responsible party shall notify the LDEQ within thirty (30) days and the appropriate areas, AOI-1, AOI-3B, AOI-5, AOI-6 and AOI-7, shall be reevaluated to determine if conditions are appropriate for the proposed land use. Future use may dictate additional remedial activities.

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No soils may be moved from this location without written authorization from the LDEQ unless they are removed and disposed at a permitted disposal facility.

Additional information on the detail of the investigation and evaluation of this site may be obtained from LDEQ's Public Records Center located in the Galvez Building, Room 127, 602 N. Fifth Street, Baton Rouge, LA 70802. Additional information regarding the Public Records may be obtained by calling (225) 219-3168 or by e-mailing publicrecords@la.gov.

St. Charles Parish Library Board
Minutes, 10/4/05, p. -2-

desBordes reported that she had received a copy of the draft document of donation from Mr. Studdard the day before. The final item necessary will be a No Further Action Letter from LDEQ to BP. The donation document will require a thorough review by Parish Attorney Bobby Raymond. *(has he experience?)*

provide Board w/ precis

Act of Donation adopted Dec. 18, 2006
No Further Action letter dated Oct. 12, 2007

Council didn't wait neither did B.P.

There being no further business the meeting was adjourned.

APPROVED:

Willie D. Scott, Sr., President
St. Charles Parish Library Board

Mary des Bordes, Secretary
St. Charles Parish Library Board

2006-0396**INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT****ORDINANCE NO. 06-12-19**

An ordinance to approve and authorize the execution of an Act of Donation of Immovable Property with Dedication and Grant of Servitudes by BP Products North America, Inc.

WHEREAS, St. Charles Parish has been working with BP Products North America, Inc. to secure a site in the Plantation Business Campus in Destrehan to construct a new East Bank Regional Library; and,

WHEREAS, the Parish, the Library Board, and BP have reached an agreement on a certain 5.18 acre tract of land along the future West Campus Drive and Destrehan Boulevard; and,

WHEREAS, it is the desire of the Parish Council to accept said Donation.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Act of Donation of Immovable Property with Dedication and Grant of Servitude by BP Products North America, Inc. is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Act of Donation on behalf of St. Charles Parish.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: MARINO, FAUCHEUX, HILAIRE, FABRE, RAMCHANDRAN, WALLS,
BLACK, DUHE, MINNICH
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 18th day of December, 2006. 
to become effective five (5) days after publication in the Official Journal.

Act of Donation - BP Products North America

CHAIRMAN: Brian C. Far
SECRETARY: Barbara Jacob Tucker
CLVD/PARISH PRESIDENT: December 19, 2006
APPROVED: ✓ DISAPPROVED:

PARISH PRESIDENT: Albert D. Laque
RETD/SECRETARY: December 19, 2006
AT: 11:45 RECD BY: BP

RECORDED IN THE ST. CHARLES PARISH
CLERK OF COURT OFFICE
ON December 20, 2006
AS ENTRY NO. 326061
IN MORTGAGE/CONVEYANCE BOOK
NO. 683 FOLIO 323



Center for Health, Environment & Justice

P.O. Box 6806 • Falls Church, VA 22040 • Phone: 703.237.2249 • Fax: 703.237.8389 • www.chej.org

October 9, 2008

Gwen Dufrene
3551 Highway 306
Des Allemands, LA 70030

Dear Gwen:

I have completed my review of the document "Basis of Decision for No Further Action" for the British Petroleum (BP)/former Pan American Southern Refinery site located in Destrehan, LA. This report appears to be prepared by the Louisiana Department of Environmental Quality (LA DEQ), titled only as Agency Interest Number (AI) 4356 and dated February 21, 2008. This report provides a limited overview of the environmental testing conducted at the BP/former Pan American refinery site and a brief summary of the basis for why the LA DEQ feels no further cleanup is needed for most of this site.

In general, I do not agree with this broad conclusion primarily because of the lack of adequate information provided in the Basis of Decision (BOD) document. There are very few actual test results from sampling conducted on the site in this document. Only data that exceeded the state's cleanup standards, referred to as the RECAP standards (see discussion below) were included in this report. These test results are compared to the state's cleanup standards and used to decide if cleanup is needed at the site. However, because of the lack of information, it is unclear if sufficient testing has been done to properly characterize the extent and severity of the contamination at the site. There are likely many more contaminants present at the site that were not considered as part of this decision. In addition, a number of areas on the property were identified as "hot spots" or areas with high levels of contamination, including capped areas sites 9 and 18 and Area of Interest (AOI)-3A. These areas do need to be cleaned up prior to any future use of the site. Each of these points is discussed below.

Background

The LA DEQ evaluated the testing conducted at the site by comparing the levels of contamination found with the state of Louisiana's guideline values for cleaning up contaminated sites. These guidelines are defined by the state's "Risk Evaluation Corrective Action Program" or RECAP. The state has developed standards that apply to sites that will be cleaned up to non-industrial standards including sites designated for residential use and to industrial standards, which includes sites designated for industrial use.

The RECAP values include different standards that can be applied to a site: an initial soil screening value and three management options. The initial screening option is usually used as a first “cut” to evaluate contamination levels at a site. Typically, if the maximum contamination levels DO NOT exceed the initial soil screening standard, then no further action or cleanup is generally required at a site. However, if the maximum contamination levels exceed the initial soil screening standard, then further evaluation is generally conducted.

This is where things begin to get complicated. If the maximum concentration at a site exceeds this initial soil screening value, the property owner can then choose to use one of three management options to further evaluate the contamination (see RECAP Guidance Manual, p. 2). There is a big difference, however, between the initial soil screening standards and the management options standards. Seventy percent (70%) of the standards for Management Option #1 are higher than the equivalent soil screening standards, most by a factor of 10. This means that a substance that fails to pass the initial soil screening standard by less than a factor of 10 will pass the first management option standard and the property owner will not be required to do any cleanup.

For example, the most common contaminant found at the BP/former Pan American site is Total Petroleum Hydrocarbons – oil range organics or TPH-ORO (see discussion below). The maximum concentration of TPH-ORO in soil found in area AOI-A was 210 milligrams (mg) per kilogram (kg). The RECAP soil screening standard for non-industrial use is 180 mg/kg. This level of contamination exceeded the initial soil screening standard and thus the area could not be used for non-industrial use without first being cleaned up. However, since the test results exceed the soil screening standard, the property owner has the option to evaluate this test result against what is called “Management Option Number 1 or the MO-1 Standard” that is based on a general risk assessment model. The MO-1 standard for TPH-ORO in soil targeted for non-industrial use is 1,800 mg/kg. Since the 210 mg/kg is less than 1,800 mg/kg, the area is considered “clean” and requires no further action or cleanup (see Basis of Decision document, p. 4).

Further complicating this analysis is the fact that there are site specific factors that can be applied to the management option alternatives that results in still additional standards that can be used to evaluate whether the contamination at a portion of the site (called an area of interest or AOI) requires cleanup or not. The result of all this is that a property owner can continue to manipulate the process to select standards that are substantially higher than the initial screening standard to compare the levels of contamination found at a site. In this instance, the use of multiple standards for the same contaminants resulted in most areas of interest being designed as requiring “no further action” or cleanup.

For the BP/former Pan American site, the site is divided into at least 13 Areas of Interest as shown in the Attachment #1 to the BOD document. This report shows existing contamination levels in many of the designated areas to be less than the RECAP industrial soil standards and thus required no further action or cleanup if these areas of the site are used for industrial purposes (AOI-1, AOI-3B, AOI-5, AOI-6, and AOI-7). None of these areas achieved the RECAP standards for non-industrial use which are lower. Existing contaminant levels in other areas, however, did meet the RECAP standards for non-industrial use and require no further action or cleanup if these areas of the site are used for non-industrial purposes. These are areas AOI-A, AOI-B, AOI-C, AOI-2, AOI-4, AOI-8, AOI-9, and AOI-10. AOI-6 had the largest number of contaminants and the highest concentrations of contamination. The LA DEQ did identify several "hot spots" that had high levels of contamination and did not meet either standard. These are the capped areas 9 and 18 and AOI-3A. These contaminated areas were first identified in the 1991 remedial investigation conducted at the site (see BOD, p. 2). These hot spots and how they will be cleaned up are not addressed in this report. ◇

Specific Comments

1) Too little information is provided in the Basis of Decision document to adequately evaluate if the testing conducted at the site was sufficient to properly characterize the extent and severity of the contamination currently found at the site. The Basis of Decision (BOD) document includes very few actual test results of the sampling conducted on the site. Only when a substance exceeded the state's cleanup standards (referred to as the RECAP standards), when applied to a specific area of the site, is any information provided in the BOD. A total of only ten substances were identified in the BOD as exceeding either the industrial or non-industrial RECAP standards. For some areas, no testing information at all is provided (areas AOI-B and AOI-C).

The most common contaminant identified was Total Petroleum Hydrocarbons – oil range organics or TPH-ORO. TPH-ORO is not a single substance, but rather a group of substances within the category called petroleum hydrocarbons. TPH-ORO was found in areas AOI-A, AOI-1, AOI-2, AOI-3B, AOI-5, and AOI-6 at levels that exceeded the non-industrial RECAP standard in soil. The highest concentration found was 4,400 mg/kg or 4,400 parts per million (ppm) at area AOI-2 (BOD, p. 4). It makes perfect sense to test for this group of substances at a refinery site. But it also makes sense to test for all the subgroups of the petroleum hydrocarbons family including gasoline range organics (GRO) and diesel range organics (DRO). You would also expect to find these additional subgroups at a refinery site. They were found at two locations, areas AOI-3B and AOI-6, the area with the highest levels of contamination at the site. It is not clear, however, if

any testing was done for these subgroups of petroleum hydrocarbons at other areas of the site. I would recommend that you ask if testing was done for these substances throughout the site. If not, it should be done. If so, then you should get copies of the results.

Another common contaminant identified at the site is methylene chloride. This chemical is a volatile organic compound (VOC) that can cause liver and central nervous system damage and is a suspect carcinogen. It was found in areas AOI-4, AOI-5, AOI-6, AOI-8, and AOI-9 at levels that exceeded the non-industrial RECAP standard in soil. The highest concentration of found was 0.50 mg/kg or 0.50 parts per million (ppm) at area AOI-6 (BOD, p. 8). This is a very high concentration for a volatile chemical in soil.

Typically, volatile chemicals like methylene chloride evaporate into the air over time and you would not expect to find much in top soil after a few years. In this situation, however, substantial quantities of methylene chloride were found at the site, raising concern that a significant source of methylene chloride, and perhaps other VOCs is still present at the site. Since no other volatile chemicals were reported in the BOD, it is not clear what testing was done for this group of chemicals

Volatile organic compounds are common ingredients of petroleum fuel and are found in refined gasoline. They include benzene, toluene and xylenes. According to a report prepared by British Petroleum/Amoco who purchased the Pan American site, "data from analyses of soil for volatile organic constituents was unusable due to the sample collection and preservation methods" (BOD, p. 3). This comment further raises question about what VOCs were actually measured at the site. If these substances were not part of the testing conducted at the site, this would be a major flaw in the state's evaluation of the contamination. I would recommend that you ask whether testing for VOCs was conducted throughout the site. If it was not done, it should be done before any decisions are made on future land use. If it was done, then you should get a copy of the results.

2) Multiple standards were used to meet the RECAP criteria requiring no further action.
The LA DEQ RECAP standards for evaluating the health and environmental risks posed by contamination identified at a site provide a number of alternative standards that can be used depending on both the intended use of a site as well as site specific parameters. These options result in the application of multiple standards by the LA DEQ to decide if cleanup is needed in different areas of interest identified at the former BP/Pan American refinery site. In some instances, different standards are applied to different substances in the same sample (AOI-3B, AOI-5, AOI-6, and AOI-9). In other instances, the decision is based on the soil screening standards for industrial sites (AOI-1, AOI-3B [TPH-ORO], AOI-5 [TPH-ORO], AOI-6 [benzo(a)anthracene, benzo(a)pyrene, 2-methylnaphthalene,

TPH-GRO], and AOI-7 [lead]) or for non-industrial sites (AOI-6 [benzene, lead, methylene chloride, naphthalene] and AOI-7 [arsenic]); in other instances, the decision is based on a "RECAP Standard calculated for a 30-acre area for either non-industrial (AOI-4, AOI-6 [TPH-ORO], AOI-7 [lead], and AOI-8) or industrial direct contact with soil" (AOI-3B [TPH-DRO], AOI-5 [methylene chloride] and AOI-6 [TPH-DRO]; and in still other instances, it is based on Management Option Number 1 (MO-1) (AOI-A, AOI-2, AOI-9, and AOI-10).

The application of so many different standards makes the decision and the rationale for each decision hard to follow and quite confusing. Furthermore, there is no explanation for why one standard is chosen over another. This leaves the reader with little alternative than to think that the only reason this is done is so that the property owner can select standards that are substantially higher than the levels of contamination found at a site. This results in most areas of interest at this site being designed as requiring "no further action" or cleanup by the LA DEQ. This would not be the case if the initial soil screening standard were used consistently for every sample and for every substance. The reasoning for why one standard was chosen over another needs to be provided.

3) Conclusions are not always consistent with results presented in the document. In several instances, the LA DEQ conclusions about the need to clean up contamination found in different areas of interest (AOI) is not consistent with results presented in the BOD document. For AOI-1, the LA DEQ concludes that the maximum concentration of benzo(a)anthracene (3.1 mg/kg) "meets RECAP criteria for industrial use" (BOD, p. 6). The problem is that the maximum concentration of benzo(a)anthracene found in AOI-1 (3.1 mg/kg) was greater than the Limiting Standard presented in Table 2 (2.9 mg/kg) of the document (BOD, p. 6).

The same problem exists for AOI-6. The LA DEQ concluded that the maximum concentration of benzo(a)pyrene (1.0 mg/kg) and TPH-ORO (3,400 mg/kg) "meets RECAP criteria for industrial use" (BOD, p. 8). Again, the numbers are not consistent. The maximum concentrations of benzo(a)pyrene (1.0 mg/kg) and TPH-ORO (3,400 mg/kg) found in AOI-6 were greater than the Limiting Standards presented in Table 5, 0.33 mg/kg for benzo(a)pyrene and 1,800 mg/kg for TPH-ORO, of the document (BOD, p. 8). Similarly, for AOI-7, the LA DEQ concluded that the maximum concentration of arsenic (28.0 mg/kg) and lead (3,000 mg/kg) "meets RECAP criteria for industrial use" (BOD, p. 8). In this instance, the maximum concentrations of arsenic (28.0 mg/kg) and lead (3,000 mg/kg) were greater than the Limiting Standards presented in Table 6 of 12.0 mg/kg for arsenic and 1,400 mg/kg for lead (BOD, p. 8).

In each of these instances, the 95% Upper Confidence Level on the Mean (UCLM) is used instead of the actual maximum concentration found at the site. The UCLM is a statistical value that provides an estimate of the true average value in a group of samples. This statistical value has nothing to do with the maximum concentration found at a site which is what the RECAP standards require property owners to use when evaluating the contamination at a site.

For each of these substances, the UCLM is less than the maximum concentration found at the site and in each instance, it is used instead of the maximum concentration when comparing to the RECAP standards. Not surprisingly, none of the 95% UCLM values exceeded the RECAP standards. In each instance, the LA DEQ concluded that no further action or cleanup is needed when, in fact, the maximum concentration for each of these substances did exceed the RECAP standard and would have required cleanup before use. For example, in AOI-7, the maximum concentration of lead was 3,000 mg/kg. This is an extraordinarily high level that no one would suggest does not require cleanup. But in this case, the state uses the UCLM instead of the maximum concentration and the area is considered clean when, in fact, 3,000 mg/kg of lead is still sitting there. No justification is given for why the 95% UCLM is used in these instances. It appears arbitrary and intended to ensure that the level of every contaminant found is less than an applicable RECAP standard. The reason for using the 95% UCLM needs to be explained.

4) It is unclear why Management Option #1 which, in general, is 10 time higher (less protective) than the Soil Screening standard was selected to make many decisions about whether cleanup was needed in an area or not. The BOD document is unclear about why one standard, such as MO-1, was chosen over another. It is likely that the answer is apparent in the RECAP process, but there is insufficient transparency to follow why one standard is chosen to make a decision in one case versus another. Additional information needs to be provided to explain the choice of standard for each substance in each AOI.

5) A number of "hot spots" remain on the site that need to be cleaned up prior to any future use of the site. The capped areas 9 and 18 are described as being "contaminated by releases from fuel, tetraethyl lead & phenol stage units and blending facilities during the operation of the refinery" (BOD, p. 1). Area AOI-3A is described as being "contaminated with petroleum coke, which was pressed into the ground by the weight of the piles in which it was stored during the operation of the refinery" (BOD, p. 1). In both instances, the LA DEQ states that further cleanup is needed to address the contamination in both of these areas. The BOD document, however, does not address these hot spots. Information on how these areas will be cleaned up needs to be provided.

Ms. Gwen Dufrene
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In summary, the Basis of Decision document includes a very limited number test results from the contaminated areas. Only data that exceeded the RECAP standards are included in this report. As a result, it is unclear if sufficient testing has been done to properly characterize the extent and severity of the contamination at the site. There are likely many more contaminants present at the site that were not considered as part of this evaluation. I recommend that you ask if testing was done for VOCs and all forms of TPHs throughout the site. If not, it should be done. If so, then you should get copies of the results.

Multiple standards are used to evaluate whether the contamination at the site meets or exceeds the RECAP criteria resulting in most areas of the site not requiring any cleanup when, in fact, this would not be true if the same standard, such as the soil screening standard, were applied consistently across the entire site. The application of different standards makes the decision and the rationale for each decision hard to follow and quite confusing. The reasoning for why one standard is chosen over another needs to be provided.

In several instances, the state's conclusions about the need to cleanup different areas of interest are not consistent with results presented in the BOD document. These inconsistencies result from the use of the 95% UCLM instead of the maximum concentration found in an area of interest as called for in the RECAP standards. No justification is given for why the 95% UCLM is used in these instances. The reason why it is used needs to be explained. Similarly, the BOD document is not clear about why one standard, such as MO-1 is chosen over another, such as the soil screening standard. Additional information needs to be provided to explain the choice of standard for each substance found in each AOI. Lastly, a number of areas on the property were identified as "hot spots" or areas with high levels of contamination, including capped areas sites 9 and 18 and AOI-3A. These areas will need to be cleaned up prior to any future use of the site.

I hope these comments are helpful. Feel free to contact me if you have any questions or if you want to discuss this matter further.

Sincerely,

Stephen Lester
Science Director

I CHOSE TO LOOK THE OTHER WAY

I could have saved a life that day,
But I chose to look the other way.
It wasn't that I didn't care,
I had the time, and I was there.

But I didn't want to seem a fool,
Or argue over a safety rule.
I knew he'd done the job before,
If I spoke up, he might get sore.

The chances didn't seem that bad,
I'd done the same, he knew he had.
So I shook my head and walked on by,
He knew the risks as well as I.

He took the chance, I closed an eye,
And with that act, I let him die.
I could have saved a life that day,
But I chose to look the other way.

Now every time I see his wife,
I'll know I should have saved his life.
That guilt is something I must bear,
But it isn't something you need share.

If you see a risk that others take,
That puts their health or life at stake.
The question asked, or thing to say,
Could help them live another day.

If you see a risk and walk away,
Then hope you never have to say,