March 31, 2016

SENT VIA FEDERAL EXPRESS

Ms. Pamela J. Langston Scully, P.E.
Remedial Project Manager
United States Environmental Protection Agency, Region IV
Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303-8960

Re: **Operable Unit 1/Operable Unit 2 Feasibility Study**
Anniston PCB Site (Docket No. 1:02-cv-0749-KOB); Anniston, Alabama

Dear Ms. Langston Scully:

On behalf of Pharmacia LLC and Solutia Inc. (P/S), as parties to the Partial Consent Decree (PCD; August 4, 2003) for the Anniston Polychlorinated Biphenyl (PCB) Site (the Site), enclosed please find 8 printed copies and 8 electronic copies of the Operable Unit 1/Operable Unit 2 Feasibility Study (OU-1/OU-2 FS). This OU-1/OU-2 FS has been prepared as a deliverable under the PCD between P/S and the United States Environmental Protection Agency (USEPA) and is based on the requirements identified in the PCD and the RI/FS Work Plan for the Site. The OU-1/OU-2 FS also reflects previously completed deliverables under the PCD and RI/FS Work Plan including:

- Human health risk assessment (HHRA) prepared by the USEPA;
- Ecological risk assessments prepared for Snow Creek and its floodplain;
- OU-1/OU-2 Remedial Investigation (RI) Report;
- Technical Memorandum on Remedial Action Objectives, and Remedial Technologies, Alternatives and Screening, and the associated comments from the USEPA dated June 9, 2015;
- Technical Memorandum Summarizing Results of Comparative Analysis of Alternatives, and the associated comments from the USEPA dated October 23, 2015;
- Non-Time Critical (NTC) Removal Action Completion Report for Residential Properties in OU-1/OU-2, Revision 1;
- OU-1/OU-2 FS Report dated December 18, 2015; and

- Comments from the USEPA dated February 1, 2016 on the December version of the OU-1/OU-2 FS.

During the FS process, P/S requested that an additional OU be established for the Unapproved Waste Disposal Areas (UWDAs) that were identified during the OU-1/OU-2 RI. P/S's request would provide an opportunity for additional investigation of the UWDAs and any similar properties that may be identified in the future. Based upon the information currently available, P/S believe the UWDAs do not fit within the definition of the "Anniston PCB Site" established by the PCD and that the PCBs that have come to be located in the UWDAs clearly are not the result of operations of the Anniston plant by P/S or their predecessors. As a result, carrying the UWDAs forward from the OU-1/OU-2 RI into the OU-1/OU-2 FS violates the specific terms of the PCD established by the United States District Court, Northern District of Alabama. The USEPA rejected P/S's request on February 16, 2016 prompting P/S to invoke the dispute resolution procedures under the PCD which may include a request that the Federal court take steps necessary to eliminate the UWDAs from the FS or the Record of Decision (ROD) for OU-1/OU-2.

P/S also invoked the dispute resolution procedures under the RI/FS Agreement based on direction from the USEPA to include remedial alternatives in the OU-1/OU-2 FS that require removal of soils using a preliminary remedial goal (PRG) of 1 mg/kg to address:

- Subsurface soils for residential properties (RS-3);
- Surface soils for the low activity portions of special use properties (SU-3); and
- Subsurface soils for the high and low activity portions of the special use properties, and surface soils for the low activity portions of the special use properties (SU-4).

These three remedial alternatives are not supported by the HHRA prepared by the USEPA. Including these alternatives in the OU-1/OU-2 FS is arbitrary and capricious, and violates applicable law, including the National Contingency Plan (NCP).

Notwithstanding the continuation of the dispute resolution procedures under the PCD and the RI/FS Agreement, P/S completed the enclosed OU-1/OU-2 FS in accordance with the USEPA's direction as set forth in the February 1, 2016 comments. P/S are providing the enclosed OU-1/OU-2 FS to avoid USEPA's unilateral assessment of stipulated penalties and threatened takeover of the FS process. P/S do so under protest and with strong objections as discussed above. P/S reserve their rights to request modifications to the OU-1/OU-2 FS and any future ROD based upon the completion of the dispute resolution procedures under the PCD and the RI/FS Agreement.

To preserve its position, P/S request that this cover letter be included in the administrative record and accompany any copy of the OU-1/OU-2 FS provided to the National Remedy Review Board or any interested party. In addition, P/S request that its position papers that will be presented to the USEPA for the dispute resolution processes be included in any presentation or information provided to the National Remedy Review Board unless the dispute has been finally resolved before such presentation.

Please contact me if you have any questions.

Sincerely,

E. Gayle Macolly
Manager, Remedial Projects
Solutia Inc.

Enclosures

cc: Mr. Chip Crockett (ADEM)
Mr. G. Douglas Jones, Esq.
Mr. Thomas Dahl