



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

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OFFICE OF  
ENVIRONMENTAL INFORMATION

Jim Vines, Esq.  
King & Spalding, LLP  
1700 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

RE: Request for Reconsideration of Request for Correction (RFC #07001) regarding EPA's Dissemination of Information with respect to the Doe Run Herculaneum Lead Smelter Site, Herculaneum, Missouri

Dear Mr. Vines:

This letter is in response to the Doe Run Request for Reconsideration (RFR #07001A), which was received by the United States Environmental Protection Agency (EPA) on August 2, 2007. The Doe Run RFR requests that EPA reconsider its response to Request for Correction (RFC) #07001 and take corrective actions to address its concerns about the sampling procedures used at the Doe Run Herculaneum Lead Smelter site (Site). In response to the Doe Run RFC, EPA conducted a thorough review of the quality assurance (QA) and sampling procedure associated with the soil recontamination data for the Site and confirmed that soil recontamination data was, and still is being collected consistent with the procedures described in the *Quality Assurance Project Plan for a Site Characterization at the Herculaneum Lead Smelter*<sup>1</sup> (2001 QAPP). EPA also issued two memorandums<sup>2</sup> to clarify the soil sampling procedures utilized by EPA at the Site.

In its RFR, Doe Run disagrees with EPA's conclusion that the soil recontamination data is consistent with the *EPA Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency*<sup>3</sup> (EPA IQG). Doe Run states this conclusion is based on an inappropriate interpretation of the "from the upper one inch" term used in the 2001 QAPP. Doe Run also states the actions taken to clarify this term were not sufficient to address the quality of the Site's soil recontamination data.

EPA convened an executive panel to determine the Agency's response to the RFR. The members of the executive panel consisted of the Science Advisor, the Deputy General Counsel, and me, the EPA Chief Information Officer. Based on explanations by EPA staff, we understand that EPA's sampling procedures have indeed been consistently performed in accordance with the

<sup>1</sup> Quality Assurance Project Plan for a Site Characterization at the Herculaneum Lead Smelter. EPA, September 2001.

<sup>2</sup> EPA Memorandum: Response to Focus Group Report Statements, May 9, 2007 and EPA Memorandum: Addendum to the Quality Assurance Project Plan (QAPP) for Site Characterization for the Herculaneum Lead Smelter Superfund Site, May 9, 2007.

<sup>3</sup> 67 Fed. Reg. 63657 (October 15, 2002).

[http://www.epa.gov/quality/informationguidelines/documents/EPA\\_InfoQualityGuidelines.pdf](http://www.epa.gov/quality/informationguidelines/documents/EPA_InfoQualityGuidelines.pdf)

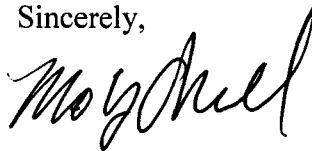
2001 QAPP. Having reviewed the RFC, RFR and EPA's RFC response, the panel concludes EPA has not changed the sampling methodology used to collect soil samples at the Site. The quality of this data is suitable for the evaluation of lead recontamination in surface soils, including the assessment of any exposure risks. The panel determined that no correction of Doe Run Herculaneum Lead Smelter (HLS) recontamination data is needed.

The panel recognizes the importance of proper sampling methodology for obtaining data on lead contamination in soil. The panel considered the issue raised by Doe Run about the interpretation of the term "from the upper one inch" as used in the 2001 QAPP and concludes that the phrase does not require sampling of the entire inch of soil. Data from the Site are being used to evaluate trends in lead recontamination of recently excavated, i.e., "clean" soils. When evaluating trends, consistency in sampling methodology is important. Given the intended use of the Site data, it is necessary to collect all samples in the same manner. Consequently, EPA collects all of these samples from the upper portion of the 1-inch soil horizon, in order to ensure that a depth of 1 inch is not exceeded.

As we have concluded, EPA has consistently followed the 2001 QAPP in its soil sampling at the Site. We note, however, that the Agency plans to update the U.S. EPA, Office of Solid Waste and Emergency Response's Environmental Response Team (ERT) Standard Operating Procedures (SOP) for soil sampling (ERT SOP #2012)<sup>4</sup> to ensure continued consistency. This update will provide revisions to procedures for surface soil sampling which will enhance the documentation of soil surface depth and enhance the consistency of the surface soil sampling methodology. In accordance with ERT's existing review process, external stakeholders will have an opportunity to review site-specific Quality Assurance Project Plans (QAPPs) and suggest how the procedures in the SOP should be adapted to the site-specific QAPP. In the meantime, if you have questions about the proposed revision to SOP #2012, you may contact David Charters, QA Manager, Office of Superfund Remediation and Technology Innovation, Office of Solid Waste and Emergency Response (OSWER) at (732) 906-6825 or at [charters.davidw@epa.gov](mailto:charters.davidw@epa.gov).

EPA values input from the public on the quality of information it produces and embraces opportunities for improvement. EPA is committed to promoting transparency in our process and providing the public with information that is objective and useful. If you have any questions about our decision on this RFR, please do not hesitate to contact Reggie Cheatham, Director, Quality Staff, at (202) 564-6830.

Sincerely,



Molly O'Neill  
Assistant Administrator  
and Chief Information Officer

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<sup>4</sup> Standard Operating Procedures: Soil Sampling (SOP #2012), U.S. EPA, Office of Emergency Response, Environmental Response Team, February 2000.

cc: George Gray, Assistant Administrator, ORD  
Mary Ann Poirier, Deputy General Counsel  
John B. Askew, Regional Administrator  
Barry Breen, Deputy Assistant Administrator, OSWER