RECORD OF DECISION

KERR-MCGEE CHEMICAL CORP–NAVASSA SUPERFUND SITE

OPERABLE UNIT 1

NAVASSA, BRUNSWICK COUNTY, NORTH CAROLINA

EPA SITE ID: NCD980557805

PREPARED BY:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

APRIL 2021

ACRYONYMS, ABBREVIATIONS, AND UNITS OF MEASURE

AR	Administrative Record
BaP	benzo(a)pyrene
BaP TEQ	toxicity equivalent of carcinogenic PAHs as benzo(a)pyrene
bgs	below ground surface
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CSM	conceptual site model
DNAPL	dense non-aqueous phase liquid
EPA	U.S. Environmental Protection Agency
ft	foot or feet
FS	Feasibility Study
HHRA	Human Health Risk Assessment
HI	hazard index
HMW	high molecular weight
HQ	hazard quotient
IC	institutional control(s)
LMW	low molecular weight
mg/kg	milligram per kilogram
Multistate Trust	Multistate Environmental Response Trust (trustee of the Multistate Trust is Greenfield Environmental Multistate Trust LLC)
NCP	National Contingency Plan
NCDEHNR	North Carolina Department of Environment, Health and Natural Resources
NCDENR	North Carolina Department of Environment and Natural Resources
NCDEQ	North Carolina Department of Environmental Quality
NCDOT	North Carolina Department of Transportation
NPL	National Priorities List
OU1	Operable Unit 1
PAH	polycyclic aromatic hydrocarbon
PCP	pentachlorophenol
pg/g	picogram per gram
ppt	part per trillion
RI	Remedial Investigation
ROD	Record of Decision
SARA	Superfund Amendments and Reauthorization Act
Site	Kerr-McGee Chemical Corp–Navassa Superfund Site
SVOC	Semi-volatile Organic Compound
TEQ	toxicity equivalent
TCDD TEQ	toxicity equivalent for dioxins and furans as 2,3,7,8-tetrachlorodibenzo-para-dioxin

PART 1: DECLARATION

A. Site Name and Location

Kerr-McGee Chemical Corp–Navassa Superfund Site (Site), Operable Unit (OU) 1
Navassa, Brunswick County, North Carolina (NC)
CERCLIS ID: NCD980557805

Lead Agency: U.S. Environmental Protection Agency
Support Agency: North Carolina Department of Environmental Quality

B. Statement of Basis and Purpose

This decision document presents the selected remedial action for Operable Unit 1 (OU1) of the Kerr-McGee Chemical Corp–Navassa Superfund Site (the Site). Operable Unit 1 is comprised of all media in the northernmost 20.2 acres of the Site. Soil is the only contaminated media and risk assessments based on residential and other land uses found that no action is required to protect human health and the environment. The selected remedy was chosen in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERLCA, also commonly referred to as "Superfund"), 42 U.S.C. § 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), and, to the extent practicable, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300 et seq., as amended.

The North Carolina Department of Environmental Quality (NCDEQ) submitted its letter of concurrence to the EPA on March 30, 2021, which is included as Appendix A. NCDEQ's concurrence notes the State's evaluation that OU1 meets the unrestricted use criteria under North Carolina General Statute § 143B-279.9(d)(1) and institutional controls are not needed under State statute.

C. Description of Selected Remedy

Site-related contamination in Operable Unit 1 poses no current or potential threat to human health or the environment under the current (vacant) and reasonably anticipated future land uses (residential, commercial, industrial, or recreational) and therefore meets the EPA's criterion for a no action remedy for all media. The remedial investigation evaluated groundwater (including the potential for vapor intrusion risk), surface soil, subsurface soil (including the potential for soil vapor and particulate risks), surface water and sediments. Based on the results of the risk assessments, EPA determined that there is no unacceptable risk to human health and the environment.

The EPA determined that the reasonable anticipated future land uses include residential, commercial, industrial, or recreational uses based on community input and formal communication with local government. EPA's decision was based on the Administrative Record for the Site, which has been developed in accordance with CERCLA Section 113(k), 42 U.S.C. 9613(k) and CERCLA Section 117, 42 U.S.C. 9617. The Administrative Record Index identifies each of the items comprising the Administrative Record upon which the selection of the remedial action is based. The Administrative Record for this Record of Decision (ROD) is available for review at
https://semspub.epa.gov/src/collection/04/AR66131

This No Action ROD supports the overall site strategy, which is to expedite acreage becoming available for reuse. This decision will support the EPA in a determination for the partial deletion of OU1 from the National Priorities List (NPL) and the redevelopment of OU1. In addition, the 20.2-acre OU1 area is adjacent to 82 acres that are already available for reuse (known as the Eastern Upland Area). This No Action ROD will increase the amount of land available for future reuse to about 100 contiguous acres.

D. Statutory Determinations

No remedial action is necessary for OU1 to ensure protection of human health and the environment under the current and reasonably anticipated future land uses (residential, commercial, industrial, or recreational).

E. Authorizing Signatures

This ROD documents that the selected remedy for OU1 of the Kerr-McGee Chemical Corp–Navassa Superfund Site is no action. This remedy was selected by the EPA with concurrence of the NCDEQ.

RANDALL CHAFFINS

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Date: 2021.04.01 10:47:31 -04'00'

Randall Chaffins, Acting Director
Superfund & Emergency Management Division

PART 2: DECISION SUMMARY

A. Site Name, Location, and Brief Description

The Kerr-McGee Chemical Corp–Navassa Superfund Site is in the Town of Navassa, Brunswick County, North Carolina (Figure 1). The Site coordinates are 34º14'50.0" North latitude and 77º59'56.5" West longitude. The U.S. Environmental Protection Agency identification number for the Site is NCD980557805.

The EPA is the lead agency and the North Carolina Department of Environmental Quality (NCDEQ) is the support agency for the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) regulatory response at the Site. The funds for the investigation and cleanup of the Site are primarily from responsible parties, though the investigation was briefly taxpayer-funded as discussed below.

The Site consists of a former wood treating facility (about 70 acres) and a wetland area or Southern Marsh (about 30 acres) situated to the south. (Figure 1). The former wood treating facility is part of a larger property owned by an environmental response trust and the Southern Marsh is part of larger parcel owned by the State of North Carolina. The former wood treating facility is bounded to the north by Quality Drive and the former Rampage Boat Company, to the west by Navassa Road, to the east by the Eastern Upland Area, Eastern Marsh, and the Brunswick River, and to the south by the Southern Marsh and Sturgeon Creek. Neither the Eastern Upland Area nor the Eastern Marsh are part of the Site.

The subject of this ROD is the northernmost 20.2 acres of the Site, designated as Operable Unit 1 (OU1) (Figure 2), where only the soil is contaminated with site-related contamination and no action is required to protect human health and the environment based on residential or other land uses. The remaining ~80 acres of the Site will be addressed in future RODs.

B. Site History and Enforcement Activities

History of Site Use

The former wood treating facility was situated on a 244-acre parcel. Historical real estate documents incorrectly reported the total acreage as 300 acres. The facility, which operated from 1936 to 1974, treated wood for railroad ties, utility poles, and pilings. American Creosoting purchased the parcel from Gulf States Creosoting Company in 1958 and sold it to Kerr-McGee in 1965. Kerr-McGee discontinued operations in 1974 and dismantled the facility in 1980. In 1991, Kerr-McGee transferred 92 acres of the property (marsh land) to the State of North Carolina.

Aerial photos provide the only information about the Site prior to 1965. Figures 3 and 4 show selected historical aerial photographs dated 1938, 1951, 1969, and 1975. Information about wood treating operations is limited to a six-page letter from Kerr-McGee dated August 14, 1984.

In its 1984 letter, Kerr-McGee summarized its operations from 1965 to 1974:

> Pre-cut hardwood lumber was used by the plant as a raw material. In preparing for treating, the wood was sized, classified, and stacked in the plant yard for a period of one year to dry the

wood. The dried wood was pressure treated in one of two treatment cylinders using a creosote and oil solution. The size of each cylinder was 8-feet (ft) diameter by 140 ft long. The creosote solution was stored in above-ground steel tanks contained within a dike. The treated product was stored in the yard until final shipment to customers.

The wastewater generated by the facility was collected and discharged to three surface impoundments in series. The first two impoundments were used to settle the creosote preservative which was reclaimed and reused in the production process. The ponds were installed by Gulf States Creosoting Company. Each pond's size was approximately 60 ft by 125 ft by six feet deep. The effluent from the two impoundments was recycled to a condenser as make-up cooling water with excess wastewater discharged to an evaporation pond installed by Kerr-McGee in 1971. The pond was 200 feet by 300 feet with a variable depth. The plant also maintained a 140 feet by 170 feet fire water storage pond and a 0.5-acre boiler water storage pond.

Kerr-McGee reported that it used only creosote as a preservative. The 1984 letter from Kerr-McGee is the only documentation of the decommissioning of the facility; there are no work plans, reports, photos, surveys, analytical results, or construction reports. Kerr-McGee reported that it dismantled and sold as scrap all equipment, treatment cylinders, buildings, and tanks. Kerr-McGee reforested the area by planting pine trees. At present, there are some building foundations at the Site. While the aerial photos show extensive rail lines across the Site, the only intact railroad tracks at present are a 10 to 15-foot long segment that is set into a concrete slab.

Based on historical aerial photos (Figures 3 and 4), Kerr-McGee used OU1 for wood storage. Contamination in OU1 likely originated from the storage of treated wood products, from buried creosote timbers, timbers from decommissioned rail lines, and/or transport from other areas by movement of personnel and vehicles between the areas. Because the facility decommissioning removed most of the surface features (buildings, rail lines, railroad timbers, etc.) and possibly moved or removed soil, it is not possible to confirm the original source of contamination.

History of Enforcement Activities

Investigation by Kerr-McGee and Tronox 2003–2009

In March 2003, the North Carolina Department of Environment and Natural Resources (NCDENR) recommended that the Site be considered for further evaluation by the EPA. The EPA and Kerr-McGee entered into an Administrative Order on Consent for the performance of an Expanded Site Inspection, which is a step in the Superfund site evaluation process. The August 2005 *Expanded Site Inspection Report* documented creosote contamination at the Site and recommended additional site assessment.

In July 2006, the EPA and Tronox entered into an Administrative Order on Consent to conduct the Remedial Investigation (RI) and Feasibility Study (FS) under the Superfund Alternative Approach. Under the Superfund Alternative Approach, the listing of the Site on the National Priorities List (NPL) was deferred. Tronox conducted several investigations but did not finalize the risk assessments or a remedial investigation report.

In January 2009, Tronox filed for Chapter 11 bankruptcy protection in federal court. Tronox was no longer able to make adequate progress on the investigation.

EPA Takeover and NPL Listing 2010
On March 8, 2010, the EPA formally took over marsh and groundwater sampling activities from Tronox. In April 2010, the EPA placed the Site on the Superfund Program's NPL. The EPA's NPL listing package identified about 100 acres along Navassa Road and Sturgeon Creek as the total area used in the wood treating process. This corresponds to the 70-acre former facility and the 30-acre Southern Marsh. The Site is defined as the former facility and other locations where the contamination has come to be located, such as the Southern Marsh.

Environmental Actions by Multistate Environmental Response Trust 2011–Present
In February 2011, the Tronox bankruptcy settlement established the Multistate Environmental Response Trust (Multistate Trust) to own and assume responsibility of this Site. The Multistate Trust is an environmental response trust responsible for owning and managing approximately 400 former Kerr-McGee contaminated sites in 31 states, remediating the sites using funds earmarked for each site, and facilitating safe redevelopment and long-term stewardship of the sites. Cleanup funds can be spent only on environmental actions, such as Site investigations, remediation, community engagement, and multi stakeholder discussions about future Site reuse. The Multistate Trust will eventually sell or transfer the property for future reuse. Greenfield Environmental Multistate Trust, as trustee of the Multistate Trust, is performing Environmental Actions at the Site for the beneficiaries of the Multistate Trust: the United States and the State of North Carolina.

History of the Site in the Community

Historically, the property provided housing, jobs, and recreation for the community. Historical aerial photos (Figures 3 and 4) show agriculture, homes, a baseball field, and footpaths to the marsh and the Brunswick River. The Brunswick River influences both the historical and future uses of the property. The property was a rice plantation prior to the American Civil War. After the Civil War, the community developed a rural-industrial economy. A bluff north of the property allowed barges to unload freight and became the location for a rail line connecting Wilmington to the rest of the United States. The bluff was used by the Navassa Guano Company, which imported guano from the Caribbean island of Navassa. Eventually, four fertilizer companies operated in the vicinity of the Site. A railyard developed in Navassa, as did other wood treating companies. The entirety of the community's riverfront is currently occupied by three parcels; the Site, an empty fertilizer plant which is vacant but ready for reuse, and a light manufacturing business.

C. Community Participation

Throughout the Site's history, community concern and involvement has been high and consistent. The EPA has kept the community and other interested parties apprised of site activities through informational meetings, fact sheets, press releases, and public meetings. Below is a brief chronology of public outreach efforts for OU1.

- The January 2021 *Proposed Plan* and the link to the Administrative Record were distributed to the community by email on January 8, 2021. EPA's email and *Proposed Plan* announced a public comment period ending February 26, 2021;
- The EPA posted the Administrative Record at: https://semspub.epa.gov/src/collection/04/AR66131;
- The EPA established local information repositories where the public could review the online Administrative Record;

  - Navassa Community Center, 338 Main Street, Navassa, North Carolina, 28451; and
  - Leland Library, 487 Village Road NE, Leland, North Carolina, 28451.
- On January 13, 2021, the EPA published a pre-recorded video of the Proposed Plan presentation at: https://www.youtube.com/watch?v=YNNYdgbJIOY&t=5s;
- The notice of the availability of the *Proposed Plan* and Administrative Record was published in the Brunswick Beacon on January 27, 2021. (Appendix D); and
- The EPA provided a virtual public meeting on January 28, 2021. About 35 individuals participated in the virtual public meeting. At this meeting, representatives from the EPA and NCDEQ answered questions about the Site and the remedial alternatives. The EPA also used this meeting to solicit community input on the reasonably anticipated future land use.

Some of the community participation opportunities conducted outside of the public comment period for the 2021 *Proposed Plan* include:

- In 2017 and 2018, the Multistate Trust convened multiple meetings of a community-focused Redevelopment Working Group to solicit input for future land use of the Multistate Trust property;
- The EPA, NCDEQ, and the Multistate Trust have held more than 15 community meetings in Navassa since late 2016;
- The EPA held the public meeting for the 2019 OU1 *Proposed Plan* in October 2019. Through the public comment process, the community expressed support for a residential land use, which was confirmed by the Navassa Town Council in a letter dated March 9, 2020;
- The EPA, NCDEQ, and the Multistate Trust held a joint public quarterly update meeting on January 14, 2020;
- The quarterly meeting planned for April 2020 was cancelled due to COVID-19. On May 8, 2020, the Multistate Trust distributed the "Quarterly Update Fact Sheet, 2nd Quarter 2020," which was jointly prepared by the EPA, NCDEQ, and the Multistate Trust;
- The Multistate Trust distributed the 2020 soil sampling work plan to community leaders prior to sampling;
- The EPA and Multistate Trust distributed the *OU1 Soil Sampling Technical Memorandum Residential Criteria Area Delineation* to community leaders prior to the beginning of the public comment period;
- The Multistate Trust (with the EPA and NCDEQ joining by phone) met with the Town and community leaders on October 9 and 10, 2020, to provide a Site update;
- On December 8, 2020, the Multistate Trust distributed the "4th Quarter 2020 Update Fact Sheet," which was jointly prepared by the EPA, NCDEQ, and the Multistate Trust;
- On December 15, 2020, the EPA, NCDEQ, and the Multistate Trust sponsored two virtual community update meetings at noon and at 6:30 pm to provide an update for the community; and
- The Multistate Trust posts the meeting presentations and fact sheets on http://multi-trust.org/navassa-north-carolina.

D. Scope and Role of Operable Unit or Remedial Action

The problems at the Kerr-McGee Chemical Corp–Navassa Superfund Site are complex and vary in severity. As a result, the EPA has organized the work into operable units. The first operable unit is OU1, consisting of the northernmost 20.2-acres of the Site, where the soil is contaminated above conservative screening levels but not above the threshold for action under CERCLA. The screening levels are based on

excess cancer risk of 10^{-6} for carcinogens and a hazard quotient (HQ) of 0.1 for noncarcinogens. The threshold for taking a response action under CERCLA is based on excess cancer risk of 10^{-4} for carcinogens and exceedance of a hazard quotient (HQ) of 1 for noncarcinogens.

The human health risk assessments summarized in this ROD support EPA's determination that exposure to soil in OU1 does not pose an unacceptable risk under current (vacant) and reasonably anticipated future land use assumptions (residential, commercial, industrial, or recreational). The eight groundwater samples in OU1 were all non-detect or below federal drinking water or state groundwater standards for Chemicals of Potential Concern (COPCs). Other environmental media in OU1 are either not contaminated above unacceptable risk levels with site-related contamination (soil vapor, groundwater via vapor intrusion) or are not present (neither surface water nor sediments are present in OU1). The screening level ecological risk assessment supports EPA's determination that there is no unacceptable risk to birds foraging in OU1, the most at-risk receptors.

The other portions of the Site will remain under investigation: 1) OU2 wood storage areas between OU1 and the process area, 2) OU3 southern marsh sediments, 3) OU4 pond area and process area, 4) OU5 contaminated groundwater.

E. Site Characteristics and Previous Risk Assessments

The Site team (EPA, NCDEQ, and the Multistate Trust) conducted a series of sampling events and risk assessments. The Site team continuously evaluated new sampling needs and sought input from the community. Each step reduced the uncertainty and the results revealed a clearer understanding of site conditions and potential risks to human health and the environment. The site strategy also evolved because EPA and NCDEQ changed the reasonably anticipated land use for OU1 to include residential uses. Accordingly, the risk basis for this No Action ROD is presented in multiple documents. The following discussion will chronologically summarize the series of sampling events and the elements of various risk assessments that demonstrate that the current environmental conditions in OU1 area pose no unacceptable risk for any media and requires no action under CERCLA.

Beginning in the 1980s, multiple parties performed environmental investigations at the Site, including: Kerr-McGee, Tronox, North Carolina Department of Environment, Health and Natural Resources (NCDEHNR) (subsequently the NCDENR and now known as NCDEQ), the North Carolina Department of Transportation (NCDOT), the EPA, and the Multistate Trust. Site-wide, more than 650 soil samples at more than 500 locations, more than 250 sediment samples, 23 surface water samples, and more than 700 groundwater samples have been collected. The COPCs for the Site include carcinogenic polycyclic aromatic hydrocarbons (PAHs), pentachlorophenol, and a group of chemicals called dioxins, which occur as impurities in pentachlorophenol.

Historically, samples were collected in OU1 at locations selected based on historical aerial photographs or visual observations. In 2019 and 2020, sample locations were selected using Visual Sampling Plan and GIS-assisted spatial analysis. In OU1, 139 soil samples have been collected from 98 locations and nine groundwater samples have been collected from five locations.

Investigations from 2002 to 2010

Kerr-McGee began investigations with EPA oversight in 2004 and transitioned all site work to Tronox

in 2005. Tronox completed several draft documents that were not finalized. The historic data was incorporated into the later risk assessments.

- 2002 Bridge construction finds creosote contamination in the wetlands;
- 2003 North Carolina refers the Site to the EPA;
- 2004 Kerr-McGee conducts an Expanded Site Investigation;
- 2005 Kerr-McGee creates Tronox LLC., which assumes the investigation;
- 2006 Tronox conducts Remedial Investigation Phase 1 sampling;
- 2008 Tronox conducts Remedial Investigation Phase 2 sampling; and
- 2009 Tronox files for bankruptcy and pauses fieldwork.

Risk Assessments from 2002 to 2010

Tronox drafted but did not finalize either the ecological or human health risk assessments prior to the Tronox bankruptcy in 2009.

Investigations from 2011 to 2019 Proposed Plan

After Tronox went bankrupt, the EPA took over the investigation and in 2010 listed the Site on the National Priorities List (NPL). In 2011, as part of the Tronox bankruptcy settlement, the Multistate Environmental Response Trust (the Multistate Trust) was established with a relatively small amount of funding. In 2015, the Multistate Trust received significant additional funding from litigation against the former Kerr-McGee company and Anadarko Petroleum. The funding allowed the Multistate Trust to conduct the remedial investigation and the human health risk assessment at the same time.

- 2010 The EPA adds the Site to the NPL and the EPA takes over the investigation;
- 2011 The bankruptcy court creates the Multistate Trust with limited funding (~$600,000);
- 2011 The Multistate Trust, EPA, and NCDEQ jointly conduct biota sampling;
- 2012 The Multistate Trust submits a draft Supplemental RI report;
- 2015 The Multistate Trust receives funding from the Anadarko settlement;
- 2015-2017 The Multistate Trust resumes the supplemental Remedial Investigation;
- 2017 The Multistate Trust drafts the Remedial Investigation Report and begins risk assessments;
- May 2018 The Multistate Trust performs Trenching Study;
- March 2019 The Multistate Trust completes Baseline Ecological Risk Assessment for the southern marsh;
- April 2019 The Multistate Trust completes site-wide HHRA;
- August 2019 The Multistate Trust completes Remedial Investigation Report;
- June 2019 The Multistate Trust conducts 2019 Soil Sampling;
- July 2019 The EPA completes Semi-Screening Level Ecological Risk Assessment Calculations for Upland Areas 1A, 1B and 2;
- August 2019 The Multistate Trust completes HHRA Addendum; and
- October 2019 The EPA issues a Proposed Plan for a 21.6-acre OU1 based on the reasonably anticipated land uses of commercial, industrial, and recreational.

Remedial Investigation Report

The *Remedial Investigation Report* summarizes all site investigations for all media undertaken site-wide between 2003 and March 2017. The *Remedial Investigation Report* documented PAH contamination in surface soils, subsurface soils, groundwater, marsh sediment, and the presence of free-phase creosote in subsurface soils. This contamination is primarily in the former process area, pond area, and marsh. The *Remedial Investigation Report* documented low levels of soil contamination in the northern parts of the wood storage areas, which is where the current OU1 is located.

The *Remedial Investigation Report* documents that the groundwater samples in the current OU1 were all non-detect for COPCs, which are creosote related semi-volatile organic compounds (SVOCs). In 2006, three temporary monitoring wells were installed and sampled. The groundwater samples from all three of the temporary wells were analyzed for creosote related SVOCs and one of the wells was also analyzed for VOCs. No SVOCs or VOCs were detected. In 2015, two permanent monitoring wells were installed and were sampled three times in 2016. The groundwater samples were analyzed for VOCs, SVOCs, and chromium. VOCs and SVOCs were below the method detection limits and chromium was below the drinking water maximum contaminant level. The monitoring wells in OU1 were abandoned with EPA approval in 2020.

2019 Human Health Risk Assessment

The 2019 *Human Health Risk Assessment* (2019 HHRA) documents the baseline health risks for current and future receptors using the data collected between 2003 and 2017. The 2019 HHRA used exposure areas based on historical site uses: Process Area, Pond Area, Treated Wood Storage Area, Untreated Wood Storage Area, Eastern Upland Area, West of Navassa Road, Southern Marsh, and Sturgeon Creek. The 2019 HHRA evaluated risks from COPCs in groundwater, soil, vapor intrusion, sediment, and surface water. Table 1 summarizes the results of the 2019 HHRA. The 2019 HHRA concluded that the overall risks from soil are acceptable based on future land uses of industrial/commercial and recreational, except for in the Pond Area and Process Area.

How the 2019 HHRA Informs the Risk Evaluation for OU1

For the current OU1, the 2019 HHRA demonstrates no unacceptable risks due to groundwater and soil vapor in OU1. The groundwater wells located in the current OU1 were all non-detect for COPCs. The 2019 HHRA concluded that groundwater impacts are limited to areas in the southern-most portion of the Untreated Wood Storage Area adjacent to the Pond and Process Areas. Consequently, risk due to groundwater contamination was not estimated for the Treated Wood Storage Area and Untreated Wood Storage Area. Other media (surface soil and subsurface soil) are further evaluated in later risk assessment documents. The sediment pathway is evaluated only for the Southern Marsh and not for OU1 because there is no sediment present in OU1.

Table 1 Summary of Exposure Area Risk and Hazards for COPCs from Human Health Risk Assessment, April 2019 (Table 3-2)

Receptor	Exposure Area	Carcinogenic Risk					Non-Carcinogenic Risk				
		Exposure Medium				Total Carcinogenic Risk	Exposure Medium				Total Non-Carcinogenic Risk
		Soil	Sediment	Groundwater - Direct Exposure	Groundwater - Vapor Intrusion		Soil	Sediment	Groundwater - Direct Exposure	Groundwater - Vapor Intrusion	
Child Resident	Process Area	8.4E-07	--	3.5E-04	--	3.5E-04	4	--	49	--	53
	Pond Area	1.4E-04	--	3.5E-04	--	4.9E-04	27	--	49	--	76
	Treated Wood Storage Area	--	--	[1]	[1]	--	0.2	--	[1]	[1]	0.2
	Untreated Wood Storage Area	--	--	[1]	[1]	--	0.1	--	[1]	[1]	0.1
	Eastern Upland Area	7.4E-06	--	[1]	[1]	7.4E-06	0.3	--	[1]	[1]	0.3
Adult Resident	Process Area	2.8E-06	--	9.5E-04	1.0E-03	2.0E-03	0.5	--	50	28	79
	Pond Area	1.5E-04	--	9.5E-04	1.0E-03	2.2E-03	9	--	50	28	88
	Treated Wood Storage Area	--	--	[1]	[1]	--	0.02	--	[1]	[1]	0.02
	Untreated Wood Storage Area	--	--	[1]	[1]	--	0.01	--	[1]	[1]	0.01
	Eastern Upland Area	2.5E-06	--	[1]	[1]	2.5E-06	0.08	--	[1]	[1]	0.08
Lifetime Resident	Process Area	4.5E-04	--	1.4E-03	1.0E-03	2.9E-03	--	--	--	--	--
	Pond Area	1.1E-03	--	1.4E-03	1.0E-03	3.6E-03	--	--	--	--	--
	Treated Wood Storage Area	4.1E-05	--	[1]	[1]	4.1E-05	--	--	[1]	[1]	--
	Untreated Wood Storage Area	2.5E-05	--	[1]	[1]	2.5E-05	--	--	[1]	[1]	--
	Eastern Upland Area	1.5E-05	--	[1]	[1]	1.5E-05	--	--	[1]	[1]	--
Teenage Trespasser	Process Area	1.5E-05	--	--	--	1.5E-05	0.1	--	--	--	0.1
	Pond Area	3.0E-05	--	--	--	3.0E-05	0.7	--	--	--	0.7
	Treated Wood Storage Area	1.4E-06	--	--	--	1.4E-06	0.007	--	--	--	0.007
	Untreated Wood Storage Area	8.2E-07	--	--	--	8.2E-07	0.004	--	--	--	0.004
	Eastern Upland Area	6.0E-07	--	--	--	6.0E-07	0.009	--	--	--	0.009
	Southern Marsh	--	2.3E-05	--	--	2.3E-05	--	0.4	--	--	0.4
Outdoor Worker	Process Area	2.4E-05	--	2.9E-04	--	3.2E-04	0.3	--	9	--	10
	Pond Area	9.3E-05	--	2.9E-04	--	3.8E-04	3	--	9	--	12
	Treated Wood Storage Area	2.2E-06	--	[1]	[1]	2.2E-06	0.01	--	[1]	[1]	0.01
	Untreated Wood Storage Area	1.3E-06	--	[1]	[1]	1.3E-06	0.009	--	[1]	[1]	0.009
	Eastern Upland Area	2.3E-06	--	[1]	[1]	2.3E-06	0.02	--	[1]	[1]	0.02
	Southern Marsh	--	3.7E-05	--	--	3.7E-05	--	0.7	--	--	0.7
Indoor Worker	Groundwater	--	--	3.2E-04	2.4E-04	5.6E-04	--	--	11	7	17
Construction Worker	Process Area	2.5E-05	--	7.3E-07	--	2.6E-05	18	--	0.8	--	19
	Pond Area	2.8E-05	--	7.3E-07	--	2.9E-05	19	--	0.8	--	20
	Treated Wood Storage Area	1.5E-07	--	[1]	[1]	1.5E-07	0.06	--	[1]	[1]	0.06
	Untreated Wood Storage Area	1.3E-07	--	[1]	[1]	1.3E-07	0.05	--	[1]	[1]	0.05
	Eastern Upland Area	1.7E-07	--	[1]	[1]	1.7E-07	0.1	--	[1]	[1]	0.1

Notes:
COPCs - Chemicals of Potential Concern
-- - Not Applicable. Exposure pathway is incomplete or risk not calculable.
Shading indicates excess lifetime cancer risk greater than 1E-4 or a total hazard index greater than 1.0.
[1] Based on data collected prior to the Remedial Investigation, groundwater impacts are limited to areas in the southern-most portion of the Untreated Wood Storage Area adjacent to the Pond and Process Areas (see Figures 1-9 and 1-10). Consequently, groundwater risk was not included in the total exposure area risk for the Eastern Upland Area, Treated Wood Storage Area, and Untreated Wood Storage Area. See text for further explanation.

Prepared By: RAH 3/28/2019
Reviewed By: SMA 3/28/2019

2018 Trenching Evaluation

The goal of the 2018 trench evaluation was to look for buried contamination and creosote in subsurface soils in the wood storage areas, including OU1. In May 2018, the Multistate Trust dug ten 4-foot-deep trenches (totaling approximately 2,100 linear feet). The Multistate Trust targeted areas based on historical aerial photos (showing railroads or wet areas) and near debris and foundations. The *Revised Northern Area Trench Evaluation* documents that subsurface contamination was not widespread in the wood storage areas, that more contamination was observed in the southern portion than in the northern portion, and that no free-phase creosote was observed anywhere in the study area.

The trench evaluation showed a lack of widespread subsurface contamination, especially in the northernmost wood storage areas and informed EPA's understanding that risk due to subsurface soil contamination is adequately characterized to support this no action decision for OU1.

2019 Soil Sampling

As follow up to the trench evaluation, the conceptual site model (CSM) was updated to divide the northern 32 acres of the Treated and Untreated Wood Storage Areas into five exposure units no larger than about 8 acres each: Area 1A, Area 1B, Area 1C, Area 1D, and Area 2. The current OU1 includes all of Area 1A and Area 2, but only part of Area 1B. The Multistate Trust used a statistical tool called Visual Sampling Plan to help ensure adequate sample density for each exposure area. The Multistate Trust collected more than 126 surface and subsurface soil samples in June 2019. The results are documented in the *2019 Soil Sampling Technical Memorandum,* approved in August 2019, which includes all soil data collected between 2017 and the fall of 2019.

August 2019 Human Health Risk Assessment Addendum

Rather than revise the site-wide HHRA, the Multistate Trust prepared the *Human Health Risk Assessment Addendum* (HHRA Addendum) to incorporate the new exposure areas and data from the *2019 Soil Sampling Technical Memorandum*. Table 2 presents a summary of exposure area risks and hazards for COPCs by exposure area from the HHRA Addendum. The following is from the conclusion of the HHRA Addendum:

> Five exposure areas with complete exposure pathways were evaluated in this HHRA Addendum including Areas 1A, 1B, 1C, 1D, and 2. Each of the five exposure areas was evaluated for commercial, industrial, recreational, and hypothetical residential land use. Potentially exposed populations include future outdoor workers, future construction workers, current/future teenage trespassers, and hypothetical future child and lifetime adult residents. The planned future use of the Site is commercial, industrial or recreational land use. The hypothetical future residential scenario was evaluated to establish the need for land use controls and to bound the risk posed to receptors from contaminated soils at the Site.
>
> As shown in Tables 4-1 to 4-35, the estimates of noncarcinogenic and carcinogenic risks changed for most of the receptors as a result of the updates. However, most of the changes were of minimal magnitude and the conclusions for most of the receptors were not affected. The updates did affect the conclusions for one receptor group, future lifetime residents, in Area 1C based on exposure to surface soil. Benzo(a)pyrene was the only COC identified in surface soil for future lifetime residents. Although the noncarcinogenic HI was below the threshold, the total carcinogenic risk exceeded the

target risk level of 1 x 10^{-4}. Table 4-36 presents a summary of exposure area risks and hazards for COPCs by exposure area.

Based on the findings of this HHRA Addendum, the overall risk from soil is acceptable for the reasonably anticipated future land use (i.e., commercial, industrial or recreational) for the five exposure areas (Areas 1A, 1B, 1C, 1D and 2) evaluated. However, the overall risk from soils is unacceptable for lifetime residents in Area 1C based on exceedance of the target risk of 1 x 10^{-4}. Based on current and future expected land use (i.e., non-residential), no exposure area requires additional evaluation in the following step of the CERCLA process, the Feasibility Study.

Table 2 Summary of Exposure Area Risks and Hazards for COPCs from Human Health Risk Assessment Addendum, August 2019 (Table 4-36)

Receptor	Exposure Area	Carcinogenic Risk			Non-Carcinogenic Risk		
		Exposure Medium		Total Carcinogenic Risk	Exposure Medium		Total Non-Carcinogenic Risk
		Surface Soil	Subsurface Soil		Surface Soil	Subsurface Soil	
Outdoor Worker	Area 1A	1.7E-06	--	1.7E-06	0.01	--	0.01
	Area 1B	3.0E-06	--	3.0E-06	0.02	--	0.02
	Area 1C	9.1E-06	--	9.1E-06	0.07	--	0.07
	Area 1D	2.7E-06	--	2.7E-06	0.02	--	0.02
	Area 2	3.8E-07	--	3.8E-07	0.002	--	0.002
Construction Worker	Area 1A	--	--	--	--	--	--
	Area 1B	--	1.5E-07	1.5E-07	--	0.05	0.05
	Area 1C	--	1.3E-07	1.3E-07	--	0.05	0.05
	Area 1D	--	8.0E-08	8.0E-08	--	0.03	0.03
	Area 2	--	--	--	--	--	--
Teenage Trespasser	Area 1A	1.1E-06	--	1.1E-06	0.005	--	0.005
	Area 1B	1.8E-06	--	1.8E-06	0.008	--	0.008
	Area 1C	5.6E-06	--	5.6E-06	0.03	--	0.03
	Area 1D	1.7E-06	--	1.7E-06	0.008	--	0.008
	Area 2	2.3E-07	--	2.3E-07	0.001	--	0.001
Lifetime Resident* (Child and Age-Adjusted)	Area 1A	4.1E-05	--	4.1E-05	0.1	--	0.1
	Area 1B	6.7E-05	--	6.7E-05	0.2	--	0.2
	Area 1C	1.7E-04	--	1.7E-04	0.95	--	0.95
	Area 1D	6.4E-05	--	6.4E-05	0.2	--	0.2
	Area 2	8.9E-06	--	8.9E-06	0.03	--	0.03

Notes:
COPCs - Chemicals of Potential Concern
* Non-carcinogenic hazard index for the lifetime resident is based on the child hazard index.
-- - Not Applicable. Exposure pathway is incomplete or risk not calculable.
Shading indicates excess lifetime cancer risk greater than 1E-4 or a total hazard index greater than 1.0.

Prepared By: RAH 7/24/2019
Checked By: SMA 7/24/2019

How the HHRA Addendum Informs the Risk Evaluation for OU1

The HHRA Addendum evaluated risks for Areas 1A, 1B, 1C, 1D and 2, which were larger than the residential land use exposure units used in subsequent evaluations. The current OU1 includes all of Area 1A and Area 2, but only part of Area 1B. The HHRA Addendum found no unacceptable risk to construction workers in Area 1A, Area 1B, and Area 2. The EPA will address Area 1C, Area 1D, and part of Area 1B as OU2 in a future action.

The EPA's conclusion that subsurface soil in OU1 does not pose an unacceptable risk and requires no action is supported by the HHRA Addendum, which evaluated the subsurface soil exposure via the construction worker scenario.

2019 Proposed Plan (Replaced by 2021 Proposed Plan)

Based on the HHRA Addendum, the EPA issued the October 2019 *Proposed Plan* for a no action decision for Area 1A, Area 1B, and Area 2. The October 2019 *Proposed Plan* included a 21.6-acre OU1 based on the reasonably anticipated land uses of commercial, industrial, and recreational (walking trail). During the public comment period for the October 2019 *Proposed Plan*, the public and the local government expressed interest in residential land use. On February 24, 2020, the Navassa Town Council voted to clarify the Town's position on reasonably anticipated land uses. On March 10, 2020, the Town Council provided a "Letter of Position" to the EPA, stating that the Town Council would like to pursue redevelopment scenarios in the 21.6-acre OU1 that could include residential uses. Based on this input from the public and the Town of Navassa, the EPA and NCDEQ decided to evaluate the proposed 21.6-acre OU1 for residential land use. The EPA and NCDEQ agreed that this residential land-use evaluation would require additional sampling.

Investigation and Risk Assessments from 2019 Proposed Plan to 2021 Proposed Plan

2020 Soil Sampling to Delineate Area Meeting Residential Criteria

As mentioned earlier, the formal site strategy is to expedite acreage becoming available for reuse, and to support partial deletions from the NPL as OUs are completed. To support the site strategy, the EPA and NCDEQ developed a sampling approach to satisfy both federal and state regulations and guidance. By using exposure areas no larger than one-quarter acre, the data satisfies both EPA's evaluation of residential human health risk and NCDEQ's evaluation of suitability for unrestricted use, including no land-use restrictions, as defined under North Carolina General Statute § 143B-279.9(d)(1).

The EPA, NCDEQ, and the Multistate Trust finalized the sampling approach in the May 2020 *OU1/OU2 Soil Sampling Work Plan*. The *OU1/OU2 Soil Sampling Work Plan*, as indicated by the title, includes sampling for both OU1 and OU2. The work plan divided the northern 35 acres of the Site into exposure units no larger than one quarter-acre in size, using Thiessen polygon methodology incorporating the historical soil sample locations (shown in Figure 5). The results are documented in separate reports for OU1 and OU2. The work plan was modified by two addenda: in July 2020, to add toxicity equivalents for dioxins and furans as 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD TEQ) as an analyte and in August 2020, to add sample locations in the Eastern Upland Area to serve as potential background locations. The Multistate Trust conducted the sampling in August 2020.

Risk Assessment Input for 2020 Soil Sampling

The 2020 soil sampling objective was to identify a contiguous area where COPC concentrations did not result in unacceptable risks for hypothetical one-quarter acre residential exposure units. The EPA and NCDEQ developed site-specific thresholds based on a hazard quotient less than 1 and a cancer risk less than 10^{-4}. The COPCs were carcinogenic PAHs, pentachlorophenol, and dioxin TEQ. The risk calculations were based on the exposure assumptions from the HHRA Addendum. Exposure units where none of the detected concentrations exceeded these thresholds were within acceptable limits for residential exposure and thus no COCs were identified. Exposure units that did not meet the concentration threshold were excluded from OU1.

The threshold concentrations for PAHs and dioxins were expressed as toxicity equivalents (TEQ), which express the toxicity of a group of chemicals as a single value that can be compared to a reference

chemical. For PAHs, the concentrations are expressed as toxicity equivalents of benzo(a)pyrene (BaP TEQ). For dioxins and furans, the concentrations are expressed as toxicity equivalents of 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD TEQ). The site-specific thresholds for soils based on unacceptable risk under residential land use were:

- 11 milligrams per kilogram (mg/kg) for BaP TEQ;
- 100 mg/kg for Pentachlorophenol; and
- 50 picograms/gram (pg/g) or parts per trillion (ppt) for TCCD TEQ.

2020 OU1 Soil Sampling Technical Memorandum Residential Criteria Area Delineation

The 2020 results are documented in the *OU1 Soil Sampling Technical Memorandum Residential Criteria Area Delineation,* which was approved by the EPA and NCDEQ on October 5, 2020 and distributed to community stakeholders on October 6, 2020. The results of the 2020 soil sampling investigation combined with sampling results from previous surface soil investigations identified 89 exposure units in which surface soils do not pose an unacceptable risk to future residential receptors. There were two exposure units that had BaP TEQ concentrations greater than the site-specific threshold of 11 mg/kg and were designated as part of OU2. To achieve a contiguous area for OU1 parts of eleven other exposure units will also be included in OU2. The resulting contiguous 20.2 acres for OU1 are shown in Figure 5. The concentrations of COPCs found in OU1 are summarized below:

- The PAH results ranged from 0.08 to 8.32 milligrams per kilogram (mg/kg) BaP TEQ, below the threshold for unacceptable risk under residential land use, which is 11 mg/kg for BaP TEQ;
- Pentachlorophenol was detected in one sample at an estimated concentration of 0.0679 mg/kg, below the threshold for unacceptable risk under residential land use, which is 100 mg/kg PCP; and
- The dioxins results ranged from 0.75 to 34.02 picograms per gram (pg/g) or parts per trillion (ppt) TCDD TEQ, below the threshold for unacceptable risk under residential land use, which is 50 ppt TCCD TEQ.

How the OU1 Soil Sampling Technical Memorandum Residential Criteria Area Delineation Informs the Risk Evaluation for OU1

The *OU1 Soil Sampling Technical Memorandum Residential Criteria Area Delineation* presents the extent of OU1 that meets the residential criteria identified by the EPA and State. The concentrations of COPCs in OU1 are below site-specific thresholds that represent a hazard quotient less than 1 and a cancer risk less than 10^{-4}.

F. Current and Potential Future Site and Resource Uses for Operable Unit 1

Land Uses

The current and reasonably anticipated future land use for OU1 is residential, commercial, industrial, or recreational. The EPA and NCDEQ decided to include residential land use based on public comments and formal communications from the Navassa Mayor and Town Council, which is the legislative body with zoning authority. The Town Council's March 9, 2020 Letter of Position formally expressed its intent to pursue land use scenarios in OU1 that would include residential uses.

Ground and Surface Water Uses for Operable Unit 1

Groundwater at the Site is classified as a Class GA aquifer and is either an existing or potential source of potable water, per Title 15A, NCAC, Subchapter 2L. However, there were no exceedances of federal drinking water or state groundwater standards for the groundwater underlying OU1. There is no surface water located within OU1.

G. 2021 Summary of Site Risks for OU1

Under CERCLA and the NCP, a baseline risk assessment estimates what risks the site poses to human health and the environment if no action were taken. It provides the basis for taking a CERCLA remedial action, if necessary, and identifies the contaminants of concern and exposure pathways that need to be addressed by the remedial action. This section of the ROD summarizes the results of the human health and ecological risk assessments for OU1. This summary supports EPA's determination that site-related contamination at OU1 poses no unacceptable risks to human health and the environment.

Summary of Human Health Risks in OU1

The Site Characteristics and Previous Risk Assessments section provided a chronological summary of the sampling events and risk assessments that provide the basis for EPA's no action decision for OU1. This section will summarize the human health conclusions organized by exposure media. In total, 139 soil samples have been collected from 98 locations in OU1. Nine groundwater samples have been collected from five locations in OU1. Other media (sediment, soil vapor) are not present or contaminated in OU1.

Risks from Groundwater

The 2019 HHRA documents that groundwater contamination is not present in OU1. The nine groundwater samples in OU1 were all non-detect for VOCs and SVOCs and below the drinking water maximum contaminant level for chromium.

Risks from Subsurface Soil

The HHRA Addendum found no unacceptable risk from subsurface soil to construction workers in Area 1A, Area 1B, and Area 2, which includes all of OU1. The trench evaluation showed a lack of widespread subsurface contamination in OU1 and informs EPA's understanding that risk due to subsurface soil contamination is adequately characterized.

Risks from Surface Soil

The HHRA Addendum found that overall risk from surface soil is acceptable for commercial, industrial, or recreational land uses for Areas 1A, 1B, and 2, which includes all of OU1.

The *OU1 Soil Sampling Technical Memorandum Residential Criteria Area Delineation* presents the extent of OU1 with COPC concentrations below site-specific thresholds that represent a hazard quotient less than 1 and a cancer risk less than 10^{-4} for residential land use based on one-quarter acre exposure units.

Risks from Soil Vapor and Vapor Intrusion from Groundwater

The 2019 HHRA and the HHRA Addendum evaluate risks from vapor intrusion and found potentially unacceptable risks outside of OU1. There is no complete exposure pathway for soil vapor or vapor intrusion in OU1.

Risks from Sediment

The 2019 HHRA evaluates risks from sediment only in the Southern Marsh. There is no sediment in OU1.

2020 Summary of Ecological Risks in OU1

The EPA evaluated the risk to birds foraging in OU1 in the memo *Revised Semi-Screening Level Ecological Risk Assessment Calculations for OU1,* dated October 14, 2020. The memo replaces the July 2019 screening level ecological risk assessment and incorporates the following:

- New OU1 soil data collected as part of the 2020 sampling effort;
- The EPA reduced the size of OU1 from 21.6 acres (proposed in October 2019) to 20.2 acres because the anticipated use changed from industrial/commercial/recreational to include residential. An effect was a lower 95% Upper Confidence Limit estimate of the mean soil PAH concentration; and
- The Multistate Trust developed site-specific PAH soil-to-invertebrate uptake factors based on soil and invertebrate sampling in OU2. These uptake factors were used to refine the food chain-based risk estimates for birds in OU1.

Because OU1 is expected to be redeveloped for human use and not support certain ecological uses, the ecological risk analysis did not address resident ecological function (e.g., soil invertebrates, plants) but focused on risks to animals that live off-site but might forage in the operable unit in the time period before redevelopment occurs or perhaps to some extent after OU1 is redeveloped. Insect-eating songbirds were considered the most at-risk receptors for this type of exposure scenario; therefore, two types of songbirds were assessed for PAH risks associated with forging on OU1 surface soils. Because there are no established ecological screening levels for birds exposed to PAHs, the exposure and risks for the birds were estimated using simple food chain models. Additionally, only high molecular weight (HMW) PAHs were assessed in this risk analysis, as the low molecular weight (LMW) PAHs had been previously shown to be present at concentrations below risk concerns.

EPA's Risk Assessor used the site-specific soil-to-soil invertebrate PAH uptake factors to estimate prey item tissue PAH concentrations based on the 95% UCL of the mean surface soil HMW PAH concentrations, and then used food chain models to estimate the HMW PAH doses to songbirds from prey item ingestion and incidental surface soil ingestion as if they were feeding only in the OU1 area. Dose estimates were calculated assuming a 100% earthworm diet and a diet of 50% earthworms and 50% aboveground insects (aboveground insects had significantly lower HMW PAH tissue concentrations than the earthworms did). The estimated HMW PAH doses were then compared to lowest-observed-adverse-effect level-based avian HMW PAH toxicity reference values to calculate hazard quotients (HQs) to estimate risks to the birds.

The results of the analysis were HQs of 3 to 4 for the American Robin, and HQs of 2 to 3 for the American Woodcock. These are considered "worst case" risk estimates, as they incorporate the assumptions of 100% site use by the birds (likely an overestimate given the Site's zoning and intended use), 100% bioavailability to the birds of the HMW PAHs ingested in food and soil, and no ingestion of plant material as part of the diet (fruits often make up a significant portion of the Robin's diet and usually accumulate far less PAHs than insects do). Given the magnitude of the HQs generated even with the conservativeness of the assumptions, it was determined that insectivorous birds were likely not at unacceptable risks from exposure to PAHs in OU1 surface soils.

To assess the potential for risks to birds from dioxins and furans in OU1 surface soils, the dioxin/furan surface soil concentrations for each OU1 surface soil sample taken for dioxin and furan analysis were used with avian toxic equivalency factors to calculate avian TCDD-TEQs for the individual samples. All samples had avian dioxin/furan TCDD-TEQ concentrations below the Region 4 TCDD-TEQ ecological screening value for birds, so no dioxin/furan risks to birds would be anticipated.

Given the ecological risk results for PAHs and dioxins/furans in OU1 surface soils and the intended reuse/redevelopment of OU1, it was concluded that no remedial action was warranted concerning ecological receptors in OU1.

H. Documentation of Significant Changes

The EPA released the initial *Proposed Plan* for OU1 in October 2019, which proposed a no action decision for 21.6 acres based on anticipated commercial/industrial land use. Subsequently and based on input from the public and the Town of Navassa, the EPA and the State of North Carolina determined the reasonably anticipated land use for OU1 may also include residential uses. The January 2021 *Proposed Plan* replaced and superseded the 2019 *Proposed Plan*. The EPA is changing OU1 from 21.6 acres to 20.2 acres to limit OU1 to the acreage that currently meets CERCLA's no action criteria.

The EPA distributed the January 2021 *Proposed Plan* to the public for review and comment on January 8, 2021. The EPA reviewed all comments submitted during the public comment period, which ended on February 26, 2021.

PART 3: RESPONSIVENESS SUMMARY

A. Stakeholder Comments and Lead Agency Responses

The EPA held a public comment period greater than thirty-days to accept public comments on the No Action *Proposed Plan*, and on any other documents previously released to the public. The EPA accepted all comments received between January 8, 2021 and February 26, 2021.

- The EPA released the January 2021 *Proposed Plan* to the public by email on January 8, 2021 and posted the document to the Site profile page;
- The EPA added the *Proposed Plan* to the online Administrative Record at: https://semspub.epa.gov/src/collection/04/AR66131. The EPA established local information repositories where the public could review the online Administrative Record at the Navassa Community Center, 338 Main Street, Navassa, North Carolina, 28451 and at the Leland Library, 487 Village Road NE, Leland, North Carolina, 28451;
- The EPA published the notice of availability of the *Proposed Plan* and Administrative Record in the Brunswick Beacon on January 27, 2021;
- EPA's Proposed Plan and the public notice announced a public comment period ending February 26, 2021;
- On January 13, 2021, the EPA published a video of the Proposed Plan presentation at: https://www.youtube.com/watch?v=YNNYdgbJIOY&t=5s; and
- The EPA provided a virtual public meeting on January 28, 2021, to describe EPA's *Proposed Plan* and to accept any oral or written comments. About 35 individuals participated in the virtual public meeting. The meeting was held on the Zoom platform, which was requested by the members of the community.

The attached transcript contains comments received during the Public Hearing, which are also summarized below. All comments received during the comment period are included as appendices to this ROD and are in the Administrative Record. Comments in support of the proposed no action remedy were not included in the response summary.

COMMENT 1: I am making this comment as a reminder that Navassa and The Multi State Trust have an agreement called the Canal Drive agreement for Brunswick River access and some Right of Way for a Road through a portion of OU1 area. I believe that legal right of Way and/or Recorded Easement, Covenants per the Canal drive agreement should be in Place prior to the "ROD" (Record of Decision) and ultimate removal of these lands from the NPL. At this point I am not sure if provision for the Right of Way has been accounted for in the planning for these two areas. If Not, I am requesting it.

EPA RESPONSE 1: As co-beneficiary of the Multistate Environmental Response Trust, the EPA approved the Canal Drive Agreement in January 2018. In the Canal Drive Agreement, the Multistate Trust agreed to grant to the Town a utility easement and right-of-way to facilitate river access by the Town and public, subject to beneficiary approval. There is no provision in this ROD for OU1 that would interfere or limit the Multistate Trust's ability to meet their obligations under the Canal Drive Agreement.

COMMENT 2: I want to request that some provisions for Storm Water Drainage through the "OU1/Eastern uplands" be instituted before the "ROD" and removal of these lands from the NPL. My request is based on that there is a drainage ditch in place now and has been in place since the early 1960's (1962 according to senior citizens here in Navassa). This ditch runs from the west side of Navassa road beginning at Parcel #'s 030GB003 and 030GB002 with a Culvert that has been installed under Navassa Road (SR 1435) and crosses OU1 and some of the Upland area and then empties into the Brunswick River. As a part of the now current drainage system there is another culvert that passes under CANAL DRIVE that was installed prior to Canal drive becoming a city street and installed by the landowners of the 1962 timeframe.

The reason for my request is that unless the "new" owners of the Kerr McGee land is subject to some restrictive Covenants or Easements for drainage and flooding issues (which are currently being addressed with that circa 1962 work). If these provisions (covenants and or Easements) were put in place before the Land was removed from the NPL Navassa is assured that protective measure that is currently in place to protect the community will stay intact.

EPA RESPONSE 2: Stormwater management is not within the scope of EPA's authority for Operable Unit 1. Neither this No Action ROD for OU1 nor the deletion of OU1 from the National Priorities List would limit or change the implementation of stormwater regulations. The local government in Navassa should be well positioned to manage stormwater and land use in both OU1 and the Eastern Upland Area. The Town's zoning and stormwater regulatory authorities are largely independent of EPA, the NCDEQ, and the Multistate Trust.

COMMENT 3: Support for the New Proposed Plan for revised OU1
While NCEERC supports EPA's decision to exclude the most contaminated portions of former OU1 in the New Proposal, this is only a small step in the right direction. This plan should eventually result in a release of OU1 from its superfund designation, and ease the way for the land's use for a purpose that is more consistent with protecting public health and the environment. A complete clean-up of the remaining operable units at the site will allow for elevation of projects that directly transform the legacy of the Town of Navassa from one of brownfields and contamination caused by chemical companies to one of environmental justice, natural resource conservation and rehabilitation, and cultural heritage protection.

EPA RESPONSE 3: The next step after the signature of this ROD will be to pursue the deletion of OU1 from the National Priorities List. The EPA, NCDEQ, and the Multistate Trust continue investigations on the remainder of the Site.

COMMENT 4: EPA must address all four of the remaining operable units on the site in addition to the remaining parcel from OU1 that is unsuitable for residential uses. EPA should conduct the most comprehensive clean up possible for these remaining operable units, and should take into consideration the possibility of future sustainable development, the need to remediate the environment, and the necessity of protecting the public health.

EPA RESPONSE 4: While future operable units are outside the scope of this ROD, the EPA, NCDEQ, and Multistate Trust will regularly engage with the community and local government.

Figures

Figure 1. Location of Kerr-McGee Navassa Superfund Site.

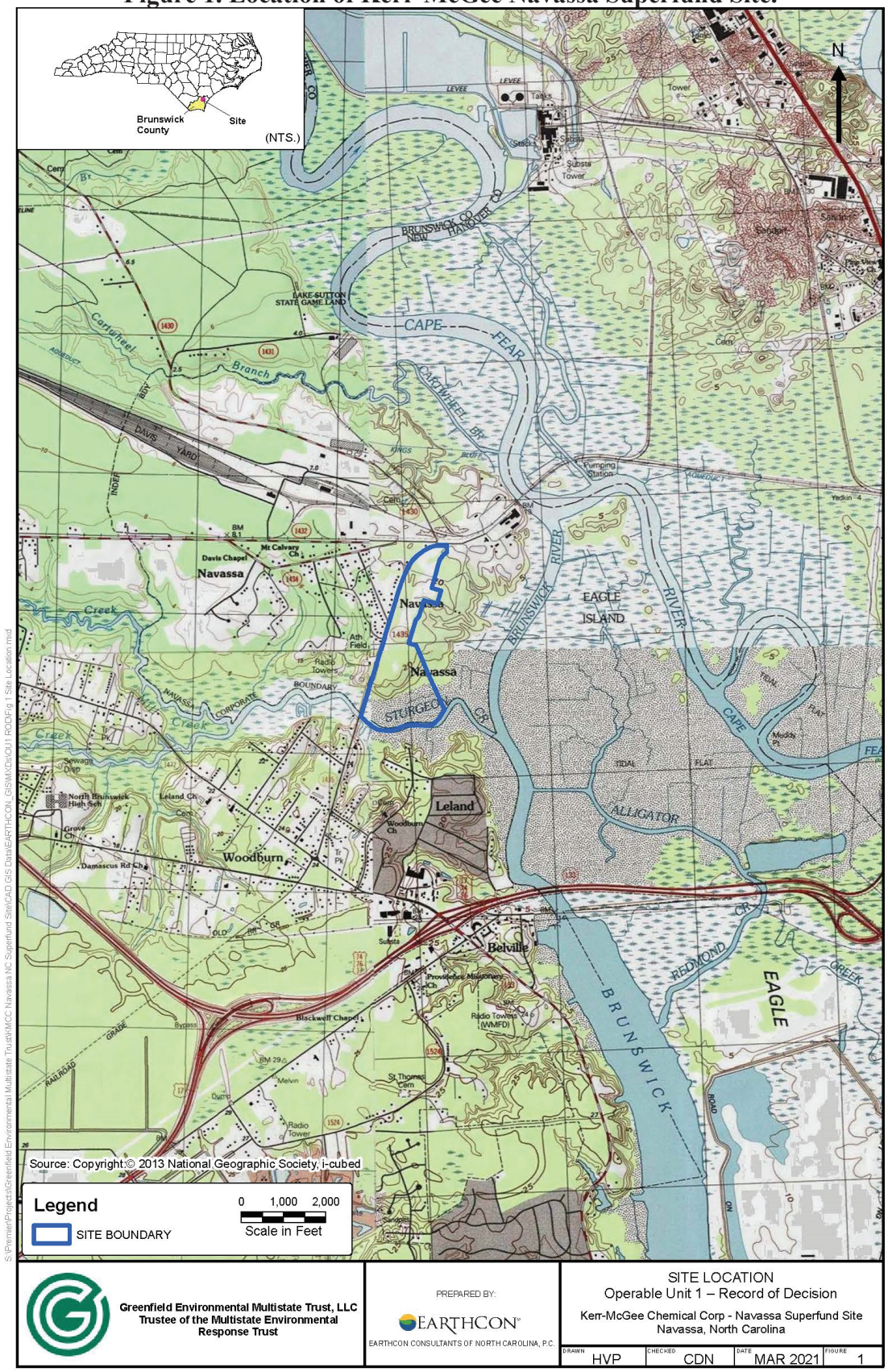


Figure 2. Extent of Operable Units 1 and 2, Site Areas and Off-Site Areas.

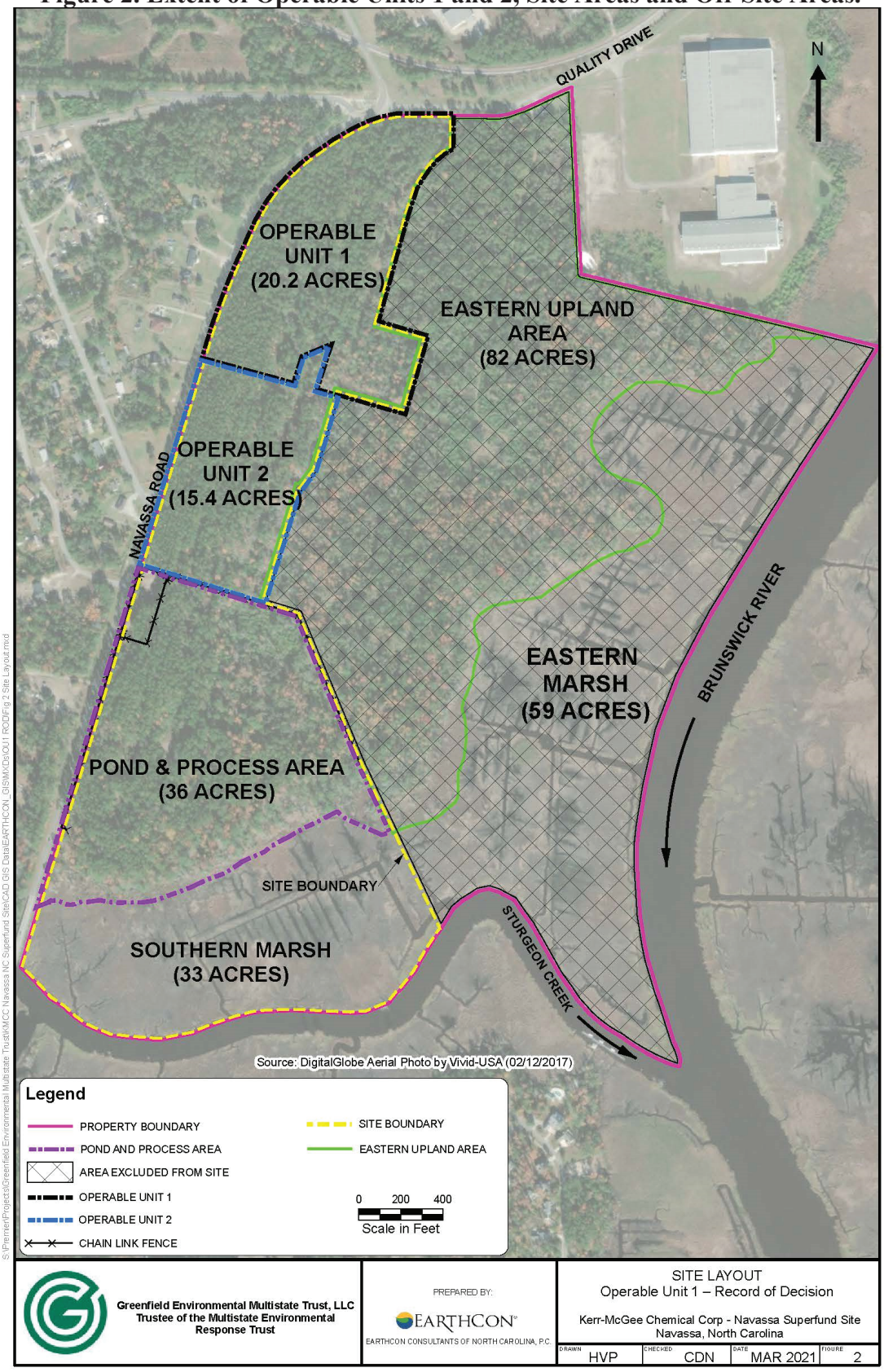
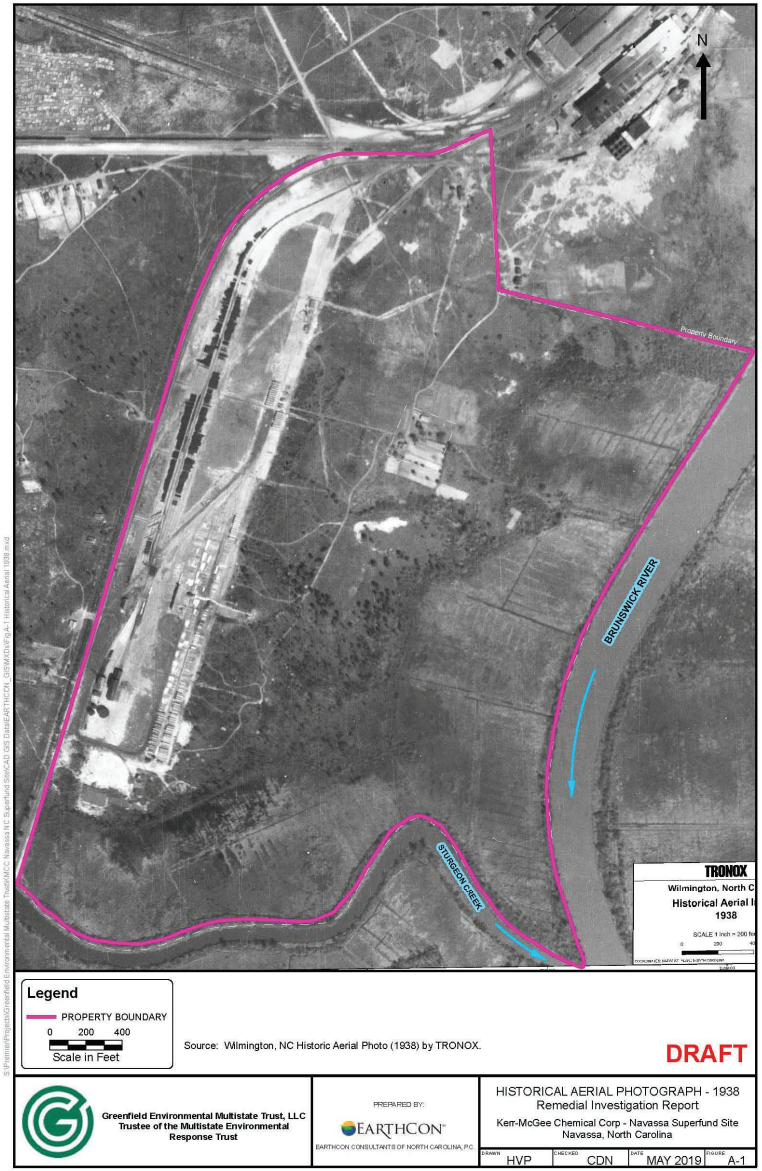


Figure 3. Historical Aerial Photographs 1938 and 1951.



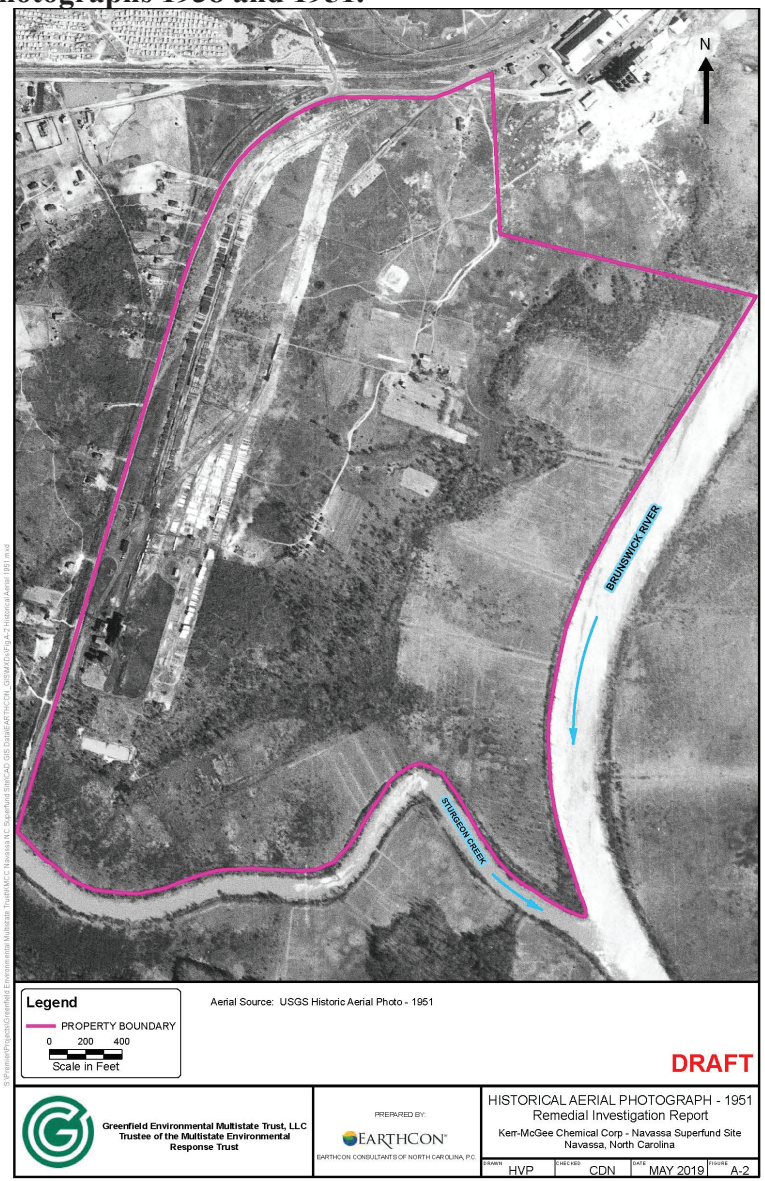


Figure 4. Historical Aerial Photographs from 1969 and 1975.

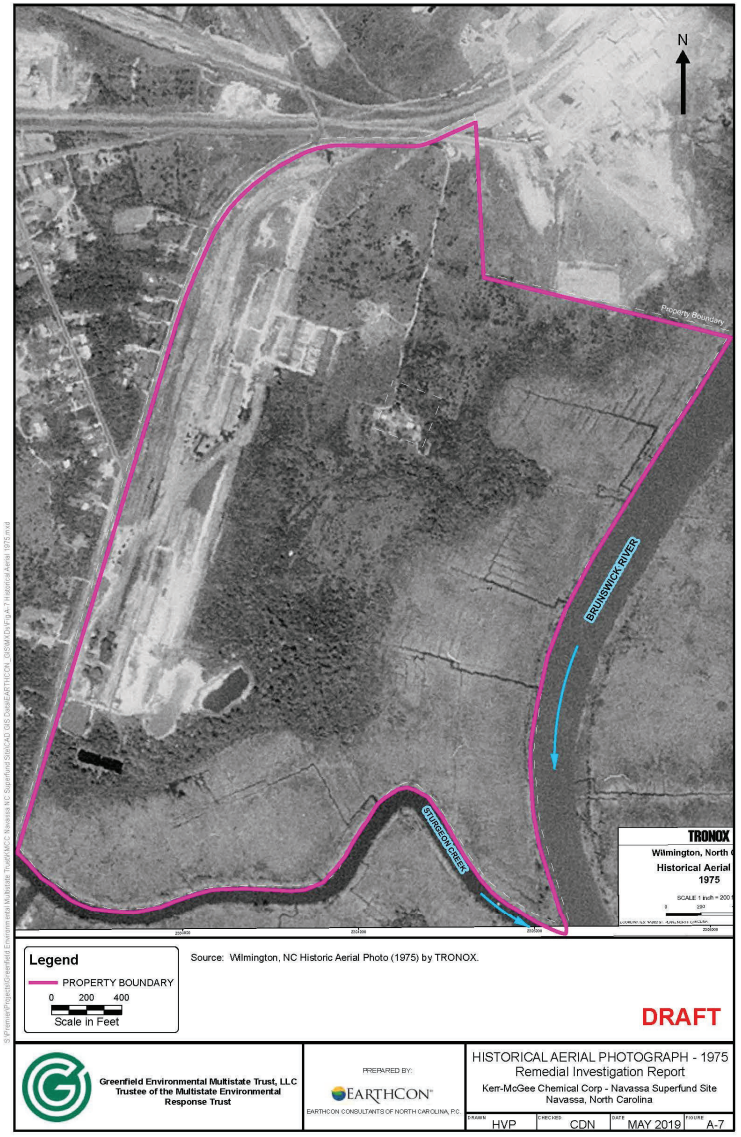


Figure 5. Exposure Units from 2020 OU1/OU2 Soil Sampling Work Plan and Extent of OU1.

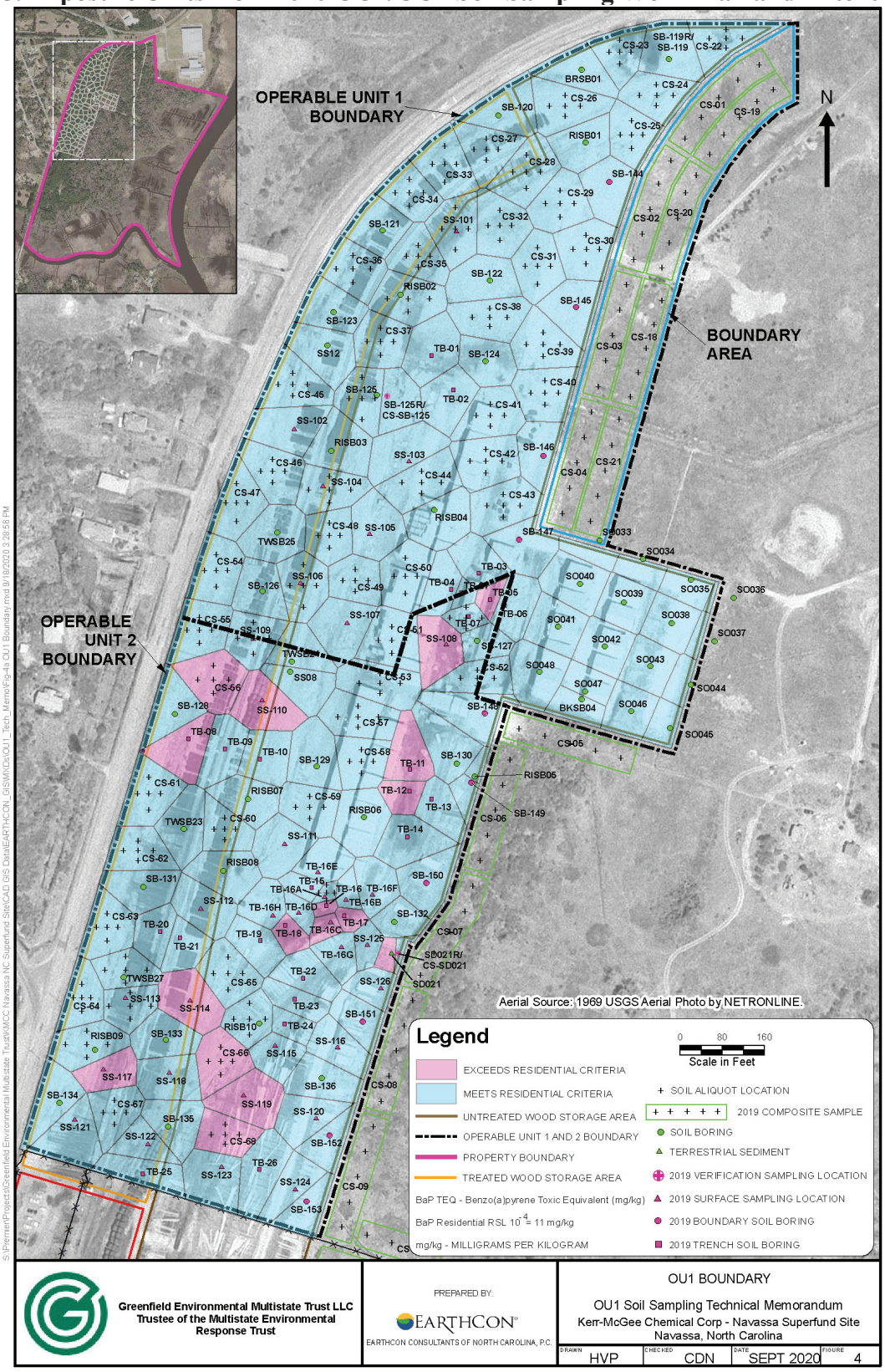
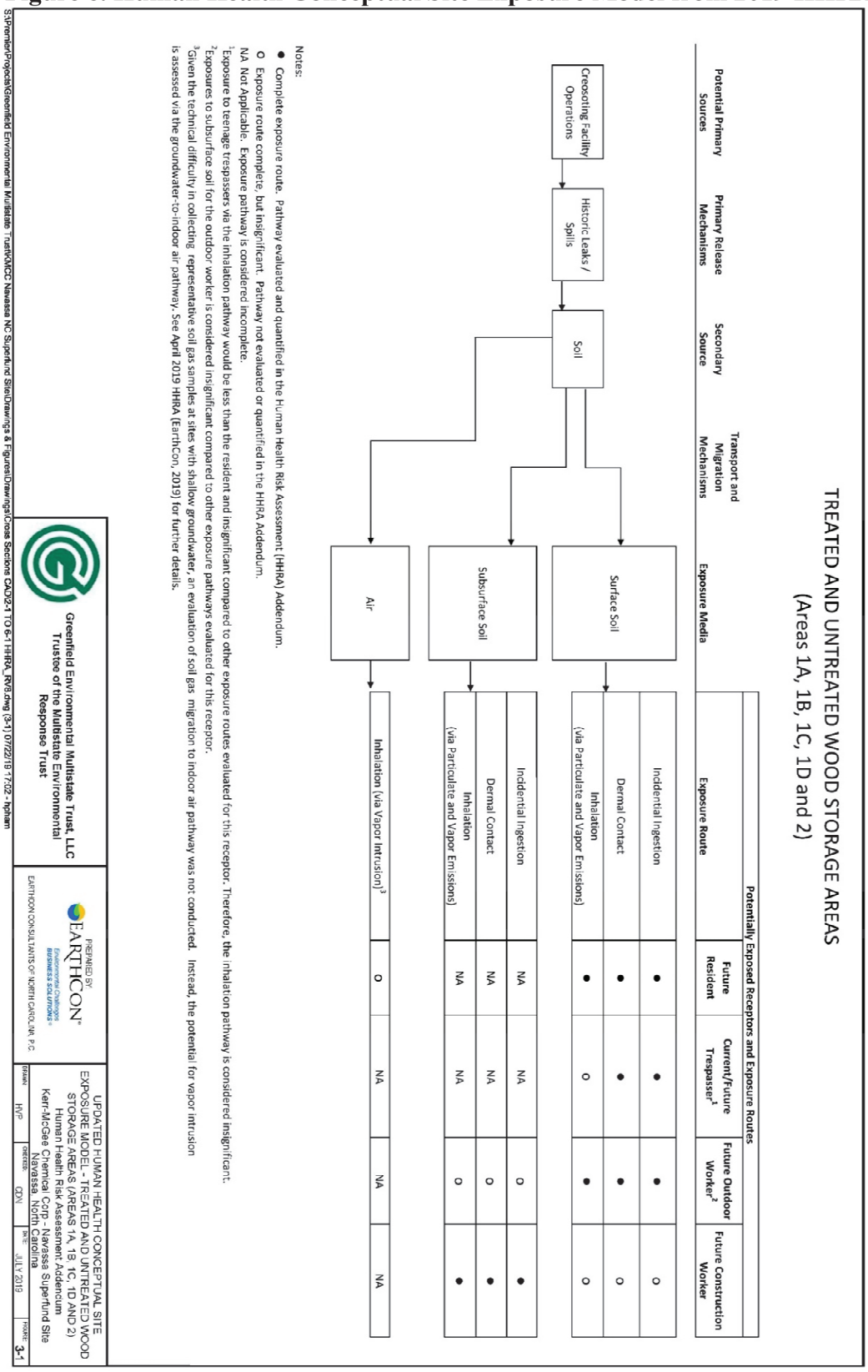


Figure 6. Human Health Conceptual Site Exposure Model from 2019 HHRA.



APPENDICES

Appendix A: NCDEQ Letter of Concurrence
Appendix B: Public Meeting Transcript
Appendix C: Public Comments
Appendix D: Public Notice

Appendix A: NCDEQ Letter of Concurrence

ROY COOPER
Governor
DIONNE DELLI-GATTI
Secretary
MICHAEL SCOTT
Director

NORTH CAROLINA
Environmental Quality

March 30, 2021

Mr. Erik Spalvins
Remedial Project Manager
Restoration and Sustainability Section
Superfund & Emergency Management Division
U. S. Environmental Protection Agency, Region 461 Forsyth St., SW
Atlanta, GA 30303

RE: Concurrence with Record of Decision - Operable Unit 1
Kerr-McGee Chemical Corporation - Navassa NPL Site
Navassa, Brunswick County NC
NCD 980 557 805

Dear Mr. Spalvins:

The State of North Carolina by and through its Department of Environmental Quality, Division of Waste Management, Superfund Section (herein after referred to as "the State"), reviewed the attached Record of Decision - Operable Unit 1 (ROD) received by the State on March 29, 2021 for the Kerr-McGee Chemical Corporation - Navassa Superfund Site and concurs with the No Action remedy for Operable Unit 1, subject to the following facts and conditions:

1. The remedial investigation evaluated groundwater (including vapor intrusion), surface soil, subsurface soil (including soil vapor), surface water and sediments. Operable Unit 1 poses no current or potential threat to human health or the environment under the current (vacant) and reasonably anticipated future land uses (residential, commercial, industrial, or recreational) and meets the unrestricted use criteria under North Carolina General Statute § 143B-279.9(d)(1). Deed recordation/restriction to document the presence of residual contamination and possibly limit future use of Operable Unit 1 as specified in North Carolina General Statute § 130A-310.3(f) are not required under State statute.

2. State concurrence on this ROD for the Site is based solely on the information contained in the ROD received by the State on March 29, 2021. Should the State receive new or additional information which significantly affects the conclusions contained in this ROD, it may modify or withdraw this concurrence with written notice to EPA Region IV.

3. State concurrence on this ROD in no way binds the State to concur in future decisions or commits the State to participate, financially or otherwise, in the cleanup of the Site. The State reserves the right to review, overview, comment, and make independent assessment of all future work relating to this Site.

The State appreciates the opportunity to comment on this ROD and looks forward to working with EPA on the remainder of the subject Site. If you have any questions or comments, please feel free to contact Mr. David Mattison at (919) 707-8336 or at david.mattison@ncdenr.gov.

Sincerely,

Jim Bateson

Jim Bateson, LG., Chief
Superfund Section
Division of Waste Management
North Carolina Department of Environmental Quality

Cc: Qu Qi, Branch Head, Federal Remediation Branch, NC DEQ DWM Superfund Section (electronic copy)

Appendix B: Public Meeting Transcript

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

PUBLIC MEETING

ORIGINAL

KERR-MCGEE CHEMICAL CORP
NAVASSA SUPERFUND SITE

REVISED PROPOSED PLAN OPERABLE UNIT 1

The public video conference meeting held before Tamara Gschwandtner, Professional Reporter and Notary Public, on the 28th day of January 2021, commencing at 5:05 p.m.

A P P E A R A N C E S

L'Tonya Spencer, EPA Community Involvement Coordinator

Erik Spalvins, EPA Remedial Project Manager

Anna Novikova, EPA

Richard Elliott, Greenfiled Multistate Trust

Dave Mattison, North Carolina Department of Quality

(The Video Conference Meeting commenced at 5:05 p.m.)

MS. SPENCER: It's approximately 5:05. We'll probably have some more people joining us, but for those who are already here, my name is L'Tonya Spencer. I'm the Community Involvement Coordinator with EPA for the Kerr-McGee Corporation Chemical Site in Navassa, North Carolina. This is our Operable Unit 1 Proposed Plan meeting; and this meeting will be recorded; and so, by participating you are acknowledging and consenting to be recorded. We'll also have a transcriptionist on this call. So everything on this call will be used for the responsiveness summary in the record of decision for the Kerr-McGee Chemical Corporation Operable Unit 1 Navassa site. So this evening for this meeting we will have a few people speaking; and from EPA myself, L'Tonya Spencer. We also have Erik Spalvins who's the remedial project manager with EPA. We have Richard Elliot who's a project manager with Greenfield Multistate Trust; and we have Dave Mattison, who's with the North Carolina Department of Environmental Quality. At this time if we have anyone from the media present, if you would put your information to the chat so that we'll know that media is present on the call. Also, if there's any congressional or congressional aids present, if you would put your information to the chat as well, so that we can acknowledge you and also note that

you're present.

Our agenda for this evening is that we're going to have Erik to do the presentation for Operable Unit 1 for the proposed plan. Afterwards we will have question and answer. We're asking everyone to please mute your lines during the presentation. If you have any questions, if you would write them down or you can put them into the chat and Anna or myself will read the questions during the question and answer session, or you can hold your questions and you can raise your hand, or take your phone off of mute and ask your question during the question and answer session. During the question and answer session we have a transcriptionist, as mentioned before, so please state your name and then your question for the transcriptionist to get everything down. If you forget, I'll probably interrupt you and ask you or remind you to state your name, especially if you ask another question after someone else. If you ask a question after your last question you don't have to state your name again; but if someone else asks a question before you, please state your name again each time you ask a question.

So with that, we are going to go ahead and get started and have Erik to do his presentation and then we will go into question and answer. Again, please put all phones on mute. Thank you.

MR. SPALVINS: Thanks L'Tonya, appreciate it. Thanks everybody for joining us. This is a little bit different from what we normally do so bear with me as this is the first one of these I have done. The goal of this presentation is like any other proposed plan public meeting; we are here to talk about proposed plan for Operable Unit 1. We've got -- here we have the links that go to the document as posted on the internet; and the link for the administrative record where we have all the documents we used for this decision. The EPA site profile page is at the bottom of this slide. If the public needs internet access you can review this online administrative record at the community center in Navassa by appointment, or the Leland Library during their hours.

Our public comment period ends February 26 so please submit public comments by mail, email or phone. I'll have contacts for information on that here on the slide. You can send it by mail if you would like to. You can also email it to myself or L'Tonya or you can call L'Tonya and I, we can write down your comments and get those into the response for the summary.

So my agenda here, what I would like to do is give a quick overview of Operable Unit 1, which is updated from the previous proposed plan; talk a little bit about the superfund process, and get into the details of Operable

Unit 1.

This proposed plan that we issued in 2021 replaces the previous proposed plan from 2019. Based on our comments we got from the 2019 proposed plan, EPA and the State decided to take a look at residential land uses for Operable Unit 1. As a result of the change in land use, we went ahead and requested some additional (AUDIO WENT OUT ON TRANSMISSION) shaded area here. It meets the no action criteria for EPA and the no action -- the unrestricted use criteria for the State.

So to understand a little bit about what the no action means, I want to talk a little bit about the typical superfund process. Normally a site is listed on the National Priorities List if it's contaminated badly enough, and EPA conducts a remedial investigation; and part of that is to do risk assessments where we evaluate the risk to human health and to the environment. We move, then, to a feasibility study where we evaluate the potential ways to fix the contamination or to resolve the risk that we find; and we issue a proposed plan where EPA lays out what it proposed to do based on the feasibility study. That's the step that we're in now.

Then we prepare a record of decision that incorporates a response to public comments and selects EPA's decision. The following that is a design and the actual remedial

action to implement the clean up; and then, at the end of the process when all of the clean up work is done, we delete the site from the National Priorities List.

In this case, when you have a no action ROD it's a little different. When you do the risk assessment, if you find you don't have an unacceptable risk, then you don't need to do a feasibility study of the proposed plan, which is what we're doing now; proposing no action required to ensure protectiveness. And that's followed by a no action ROD; and in this case you don't need to do a design or clean up action, and you move straight to the deletion from the National Priorities List.

In this case we hope that we can move Operable Unit 1 to what we call partial deletion from the National Priorities List in fall of this year.

So the important question then is, what do we mean by unacceptable risk. Under the State -- under the statute, CERCLA, and under EPA guidance, EPA calculates the risk posed to release of hazardous substance; and it has to -- the release has to pose an unacceptable risk for EPA to be able to take action under CERCLA; because EPA doesn't have authority to clean up all the contamination all the way to zero or to take action based on any detection of contaminant.

So we have the concept of unacceptable risk in

situations. For carcinogens, the level of unacceptable risk is one in ten thousand probability for a human -- person to develop an excess lifetime case of cancer. Then a noncancer risk is considered unacceptable if the potential exposure is high enough to cause a negative health effect. So, the risk assessment we calculate a hazard index to quantify that noncancer risk. If it's greater than one, it's an unacceptable risk.

And, so, now I'll talk about OU1, about the site in Navassa specifically, and OU1 and the risk assessments we have done for this site. So we'll kind of go through the operations; the investigations up to 2019; the process we used to change the anticipated land use; what we did in 2020; and then a summary of the risk assessment.

This is the location of the site. It's a wood treating operation. Everybody, I think, knows where it is, but it's located here in Brunswick River and Sturgeon Creek. The pink outline is the historic site property. The blue outline is where the operations were and where the operations affected the marsh.

So the site itself is defined as this blue area. The pink area is not part of the superfund site. In the 1990s Kerr-McGee, owner at that point, they transferred about 90 acres of marshland, which is not indicated in this figure, but you may see it on some other figures. They transferred

that to the State. So, now, after that the company owned about 152 acres. So most of what we know about this wood treater is from these aerial photographs. They started operations in 1936. Kerr McGee bought it from them in 1965 and they operated the facility until '74. This photograph shows in 1969, which is just about the maximum amount of activity during operations. Let me show you this next photo shows 1975 as they ceased operations, started to dismantle the plant. You can see that the process area, which is to the south, has been dismantled. Some of the equipment in the buildings are still there. The waste water ponds are further to the south. We have a number of ponds and new pond compared to the '69 aerial. And, then the wood that was stored up north is gone at this point. The OU1 area will show a little bit of this northern part of the site.

When Kerr McGee dismantled the site and they became -- they started to get -- started to engage with the State regulatory programs in the 1980s, they provided a really brief summary of the work they did to dismantle the site. They didn't provide a lot of documentation. It's really just about two paragraphs. And they said, Kerr-McGee said, as far as they knew, they had only used creosote at the site. But throughout the investigations that have been happening at the site, we have always wanted to ask -- we

always ask now to include another wood treating chemical, Pentachlorophenol. Pentachlorophenol is important to know if that's there because dioxin occurs as an empirical of Pentachlorophenol; and until 2020 we only had arrived detections at the site, that personally I thought that they were live or some other kind of issue.

But, in 2020 Multistate Trust found pentachlorophenol in several ground water monitoring wells and it was enough of a detection that we decided we needed to add pentachlorophenol and dioxin to the list of contaminants of concern at the site. So we added those in 2020. And a lot of the work we did in 2020 was to fill in the spacial understanding of potential dioxin contamination in the site. So that was a big part of what we did.

Back to the history of the site; in the 1990s after Kerr-McGee dismantled the site, the State investigated the site and they were tracking it and they were aware of it, but they rated it as a relatively low priority. In 2002 the State was doing bridge construction and found creosote contamination in the well in Sturgeon Creek where the bridge went across; and as a result of that they referred the site to the EPA Superfund Program in 2003. From 2004 to 2006 Kerr-McGee conducted the investigation, but in 2006 they created a spin off company called Tronox that continued the investigations; and by 2009 Tronox had gone

bankrupt and Kerr-McGee sold itself to Anadarko Petroleum.

So when Tronox went bankrupt, EPA took over the site work. We did some investigations ourselves and we listed the site on the National Priorities List. And, then, in 2011 as part of the bankruptcy court proceedings, the Multistate Trust was established and they had some initial funding from the bankruptcy settlement, and they took over the investigation at that point with a relatively small amount of funding. In 2015 they received additional funding that came to -- came from litigation against Anadarko of Carolina and the former Kerr-McGee company for fraudulent conveyance; and that's where a fairly large sum, about 90 million dollars, is now managed by the Trust and has been used to conduct the investigations up to this point.

So, let's see. If we get the question and answer people new to the site we can talk through, kind of, some of the details of that. I covered a whole lot of materials very quickly there. We usually -- in the past we spend twenty minutes on that discussion alone. So if anybody has questions about that, feel free to bring them up later.

The investigation of the site up through 2019 was based on anticipated land uses of industrial or commercial land use. We evaluate based on what is the land going to be used for. And those risk assessments found no

unacceptable risk under CERCLA for those land uses. So, as a result we developed a no action proposed plan for Operable Unit 1, which at that point was 20 point -- I'm sorry, was a little bit over 21 acres; and it's shown here kind of the darker outline. And, this is where we presented this to the public in October and got some feedback that, you know, the community was interested in being able to use this piece of property that's part of the site for residential land uses; and we worked with local government to help us understand that and get the proper documentation for us to incorporate that.

So this was what the outcome of that discussion was. The town counsel in March provided a letter of position where they expressed their intent to pursue land use scenarios, which could include residential land uses; and that's what this proposed plan is based on.

So, when we changed the land use determination, one of the key things we had to incorporate was how do we -- the difference being estimating risk for commercial workers or industrial workers and estimating risk for residents. And the main difference is the size of the area that people are exposed to as they use the site. We call that an exposure unit. A one-quarter acre exposure area is used to estimate potential exposure for residents. So what we wanted to do is we wanted to take advantage of the data that we had, and

we wanted to make sure we had a robust coverage, spacial coverage; and because the data we had was kind of -- was not, you know, grid data or anything, it was basically that's where we sampled.

So we wanted to make the most use of that. So Multistate Trust did a spacial analysis and created polygons, or these shapes here that you see using GIS software, so that each of those spaces is no more than a quarter acre. Most of them are a bit less than a quarter acre. Using the spacial analysis, we placed additional samples in the OU1 area. In the OU2 area, for that matter, but we're not gonna cover that today. We'll be dealing with that data in the near future. So the figure here shows that new samples that we collected are shadowed in white and orange. So the existing samples were blue. The samples we collected in 2020, those samples were -- we used five point composites. So we basically took little five samples in each of these locations, and the pink areas are the ones where we had existing data that exceeded the clean up number for Benzapyrene.

So let me see here. So the revised -- so here's the map that shows the 2020 results. These sampling results -- this is a map that's updated with the 2020 data. You can see that this dash line is adjusted on the south side of Area 1. So we can make it little bit smaller and exclude

some of these areas where we found contamination above the residential levels. The blue areas up here in this buffer area to the top right of the figure show areas that are acceptable for residential land use with no action from EPA and no (unintelligible) from EPA or the State. The new boundary is 20.2 acres.

So, to summarize the human health risks from OU1, the contaminants include the creosote compounds, BAHs, the carcinogenic BAHs, pentachlorophenol and dioxins. We provided some concentrations to use as thresholds to determine if exposure would be an unacceptable risk or not; and we basically threw out the areas that didn't meet that criteria. Because OU1 is protected for residential, it's also going to be protected for commercial, industrial, recreational land uses.

For the eco risk, we had done a 2019 analysis and the -- we looked at birds foraging on OU1 because we know OU1's gonna be redeveloped for some kind of use, and probably won't be good habitat for residential, so to speak, critters; won't be mammals that will be able to make a very good life for themselves when this place is redeveloped. So we looked at birds foraging in OU1, and we updated that analysis in 2020. We didn't see an unacceptable risk for the ecological receptors.

So to summarize where we are now, this yellow area is

OU1 area. This OU1 is 20.2 acres; meets the criteria for no action required for protectiveness. So there's no unacceptable risk under EPA's program; and it also meets the State's criteria for unrestricted use, which is a little bit different criteria; but, the bottom line is this provides in Operable Unit 1, it doesn't require an action, doesn't require institution controls and it is gonna be usable for the community without restrictions.

When I say usable for the community, the Trust is going to be able to sell this and it's gonna be free of our regulatory program.

So, here again are the comments, the way for you to submit comments; the links for the proposed plan, the Administrative Record and the profile page. And I think, L'Tonya, that is it for me. I think we're ready to go over to questions.

MS. SPENCER: Okay, so just a reminder; we're going into the question and answer session. If you have questions, please raise your hand, or if there's more than one person talking at a time if you would put your question in the chat, if you can't get in otherwise, take your phone off mute and raise your hand. Those are the options to get your questions in. We would like it to be done orderly so our transcriptionist can get everything; and a reminder again to please state your name before each question. So

the floor is open. Anna, do we have any questions in the chat room?

MS. NOVIKOVA: I do not have any in the chat, so we're good to get any if anyone wants to unmute themselves.

MS. SPENCER: Okay, at this time if anyone wants to unmute yourself and ask any questions, the floor is open for question and answer. Again, please state your name first. (PAUSE) Erik did an awesome job. Nobody has any questions? Well, while you all are thinking of questions, or if you have a question and you're just trying to get off mute right quick, please know that if there's anyone that wants to sign up for additional information as we give information out, you can go to the EPA website and there's a link inside the website where you can contact me to be added to the mailing list, so, and also, again, as Erik has here, different links to get to different documents.

In the EPA website that I'm referring to is the last one, the EPA site profile page. If you go there, there's a link to sign up for the sign in for the -- if you want to be added to the mailing list. So, again, are there any questions?

MR. SPALVINS: I'm worried that everybody's locked out. We need somebody to give a sound check.

MS. SPENCER: Check, check.

MAYOR WILLIS: How bout it, can you hear me?

MR. SPALVINS: Yes, sir.

MS. SPENCER: Yes.

MAYOR WILLIS: This is Mayor Willis. I figure I better chime in with something. I appreciated the overview, Erik. The one thing I wanted to bring out, and it's just as much for the listening public as it is for you, is that those institutional controls, right, you mentioned them a couple of times and I'm not quite sure that folks understood them. I understood what you were saying when you said institutional controls, but if you would, would you kind of explain to them that under that last plan with OU1, that there was some institutional controls proposed for that, and that was one of the reasons that kind of stuck the town counsel or counselmen into taking a better look at the clean up that's needed there. Just explain that to them, please.

MR. SPALVINS: In 2019 -- the 2019 proposed plan was, like I said, was based on commercial and industrial land use; and there was not an unacceptable risk. That part of the site, not only was it not used very heavily, but they also did some kind of clean up out there. They didn't leave us any documentation of what they did, but they clearly removed the train tracks that were out there, and there was not really debris that you would expect if somebody just locked the gate and walked away. So, a lot

of the risks that existed, a lot of contamination that was there was mitigated long ago.

So, for the EPA, our program uses the thresholds that I talked about for whether institution controls are required under CERCLA. If we don't have an unacceptable risk, we can't require these institution controls. But the State's threshold is different than ours. The State's threshold was that -- Dave Mattison from the State may chime in and explain a little bit better than me -- and, but, the State's threshold is that, if contamination is above an unrestricted use level, then the State wants to see institutional controls so that the people don't use it for something that wouldn't be safe. And because they used that threshold based on unrestricted use versus commercial, industrial use, we have different levels that we use for that decision making. So what we had done in 2019 is we had -- basically we were trying to -- we were trying to accommodate the State's framework but we couldn't adapt it completely, and so we were acknowledging that the State needed ICs, institutional controls in their view, and they were going to work towards that and they had already asked the Trust to commit to those controls, and the Trust agreed to do it. So we were referencing that in the first plan, and it is a convoluted way to do things, but it is kind of -- sometimes what you have to do when you have two

regulatory programs that don't have the same thresholds for decisions.

And, so, the way that -- the way that -- the way that people told me -- including you, Mayor Willis -- that it sounded was, EPA said we don't need controls and the State said we do; which is what we were saying. And I know why that would be confusing. That's a totally reasonable thing to be confused about. So, by requesting residential land use, that kind of enables EPA's framework for decision making to be in line with the State's.

So here we are. We have some areas that we can't include in the decision, but we'll include in the next decision, or we'll work through that as part of UO2. So this a good way to resolve that issue. We needed more data. It was a delay and because of COVID 19, we had a further delay. It slowed down our sampling, our ability to go get the samples, but now we have a really robust data set and we're really comfortable, you know, the Trust and the EPA and the State have worked together to come up with a decision that we were comfortable with.

So real quick one other thing is when I say institutional controls, we're talking about a deed restriction. So that when the property is sold, that in the deed or attached to the deed is a list of restrictions that tell future property owners you cannot do this or

that, and you know, by redoing the sampling and by changing land use we don't need to have those on OU1. So it should mean that a future landowner will have more flexibility with what they can do with the property. It should increase the value of the property. It makes it possible for us to do the parcel deletion very quickly. Because, if we had to do a deed restriction, or restrictive covenant -- is what I know another word for it -- if we had to do that before the property was sold, it would probably be at least a year or more delay before we would have that in place, and we would be able to do a release. So, Mayor Willis, does that address -- does that answer your question?

MR. WILLIS: Great job, Erik, I appreciate it.

MR. SPALVINS: Dave, do you have anything you want to add to that or Richard?

MR. MATTISON: No, I don't really think so. I mean, we had, you know, evaluated based on, you know, proposed commercial, industrial land use and that's one certain threshold. The institutional controls we had proposed would require that former OU1 to always be commercial, industrial because we didn't have the information necessary based on proposed land use to, you know, to say that it was not going to be an unrestricted use scenario. But, based on the feedback that we received, we went back and we did provide the additional sampling and analysis to prove that

it did meet a higher threshold for unrestricted use. And, like Erik said, that allows a lot more flexibility for long term redevelopment.

MR. SPALVINS: Thanks, Dave.

MR. SHEW: This is Roger Shew. Erik, thank you for the presentation and thank you for the good summary that you guys have provided and also to Richard and Dave. My question is, what is the timing following the comment period, assuming that there's no issues that are brought up in the comment period that would require some actions, when would the acreage be released and Multistate move forward with sales or other actions on the property? Just, what is the timing following the comment period?

MR. SPALVINS: I'll answer the EPA part of that question and Richard can address the part for the Trust. The time frame for us is that we'll work on -- working on the rod now. We have a response summary that we prepared that I have to incorporate all the comments we get and make sure we address those. I, you know, I don't want -- I don't want to jinx myself, but we have a pretty robust data set. What we're proposing is within and pursuant to the EPA policy. So I don't -- I don't -- I don't know what -- I'm not going to jinx this, but I don't think we'll have substantive comments that will result in the kind of delay that we had recently with the last revision. I'll put it

that way. So I hope that I can have the ROD finalized in March, May, April and I hope that I can get the partial deletion -- I have to actually prepare a graph document for the partial deletion pretty soon, because they really have a long lead time on that process. So I hope that we can get the partial deletion paperwork ready so it is proposed in April and finalized in September or August. I forget. It may be August. But basically sometime this fall.

If we don't make those -- that schedule, then we'll basically have a six month delay for the deletion. The deletion doesn't have to be finished for the Trust to do their part of things, but the value of the property won't be -- will be highest after it's deleted from the superfund list. So I think that probably answers the question from my part and I'll turn it over to Richard for the question about the Trust's time frame.

MR. ELLIOTT: For us, we had made a commitment to the community a couple of years ago, actually, that we wouldn't really start proactively marketing the site until after the ROD for OU1 was approved. So we're aiming toward like Erik said, probably April or so. We'll start up that effort. We have been responding to inquiries. So there are a number of interested parties that have approached us, and I know they've approached the Town and other people. And, so, we -- we're expecting there to be a fairly robust

activity associated with the purchase of the property; and right now we're drafting up the actual process, and we'll be passing that through to our beneficiaries; which would include the EPA, DOJ, the State, and NOAA and Fish and Wildlife. All of those parties need to approve any transactions, so we want to make sure they're onboard with the process; then we'll start moving forward and hopefully we'll get an active response and be able to make progress. We will keep the community engaged. As a minimum we have our quarterly meetings and give you an update on where we stand, but any significant events we'll try to let people know what's happening.

MR. SHEW: Thank you very much.

MR. SPALVINS: Thanks, Richard.

MS. SPENCER: Any other questions? Give people a chance to get off of mute. Yes? No? Once again, you still have until February 26th to get your comments in. Our information is here on the screen; and, again, the links for the documents that have been used in the administrative record that have been used to come up with the decision are in the administrative record at the link, the second link; and the EPA site profile page has all of the other additional information; and also there's a link there. If you're not on our mailing list, please click there and provide your information there.

Also, at this time if we have any congressional or congressional aids to join us, if you would let us know that you're on the zoom call, the proposed plan meeting; and also if there are any media, if you would let us know that you're on the call as well. We would appreciate keeping in contact with you and providing additional information if you need it.

So we're going to make another call for any questions or comments that need to be added for the responsiveness summary. Going once, going twice, three times. Anna, did we get anything in the chat?

MS. NOVIKOVA: No, nothing in the chat.

MS. SPENCER: Okay, if we don't have any other question at this time, I want to take time to thank you all for participating in the meeting, and remind you again that you still have time to provide comment to us by February 26th. Please take an opportunity to go to our website to look at the additional information, and you may come up with questions at that time. We appreciate y'all and look forward to talking to you again. Thank you for your participation.

MR. SPALVINS: Thank you everybody and be safe out there and I appreciate y'all joining us and making time. And, hopefully, we'll see you in Navassa sometime this calendar year, hopefully.

MR. ELLIOTT: Thank you all. Good job, Erik.

(The Video Conference Meeting concluded at 5:43 p.m.)

STATE OF NORTH CAROLINA
COUNTY OF PENDER

REPORTER'S CERTIFICATE

I, Tamara A. Gschwandtner, a Notary Public in and for the State of North Carolina, do hereby certify that there came before me on Thursday, the 28th day of January, 2021, the persons hereinbefore named, who spoke concerning the matters in controversy in this cause; that the video conference meeting was reduced to typewriting under my direction, and the transcript is a true record of the meeting.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any attorney or counsel employed by the parties hereto or financially interested in the action.

IN WITNESS WHEREOF, I have hereto set my hand, this the 10th day of February, 2021.

Tamara Gschwandtner

Tamara A. Gschwandtner, Notary Public
Notary Number: 20031180184

Word Index

(I pulled the divider for scanning)

B7

Appendix C: Public Comments

COMMENTS

"FOR"

PROPOSED PLAN

OF 2021 OU1 SITE

AT THE **NAVASSA KERR MCGEE** SITE

COMMENT # 1: I am making this comment as a reminder that Navassa and The Multi State Trust have an agreement called the Canal Drive agreement for Brunswick River access and some Right of Way for a Road through a portion of OU1 area. I believe that legal right of Way and/or Recorded Easement, Covenants per the Canal drive agreement should be in Place prior to the "ROD" (Record of Decision) and ultimate removal of these lands from the NPL.

At this point I am not sure if provision for the Right of Way has been accounted for in the planning for these two areas. If Not, I am requesting it.

COMMENT # 2: I want to request that some provisions for Storm Water Drainage through the "OU1/Eastern uplands" be instituted before the "ROD" and removal of these lands from the NPL. My request is based on that there is a drainage ditch in place now and has been in place since the early 1960's (1962 according to senior citizens here in Navassa). This ditch runs from the west side of Navassa road beginning at Parcel #'s 030GB003 and 030GB002 with a Culvert that has been installed under Navassa Road (SR 1435) and crosses OU1 and some of the Upland area and then empties into the Brunswick River. As a part of **the now current drainage system** there is another culvert that passes under CANAL DRIVE that was installed prior to Canal drive becoming a city street and installed by the landowners of the 1962 timeframe.

The reason for my request is that unless the "new" owners of the Kerr McGee land is subject to some restrictive Covenants or Easements for drainage and flooding issues (which are currently being addressed with that circa 1962 work). If these provisions (covenants and or Easements) were put in place before the Land was removed from the NPL Navassa is assured that protective measure that is currently in place to protect the community will stay intact.

Mayor Eulis a Willis

338 Main St.

Navassa, NC 28451

910 297 2352

Kerr-McGee Chemical Corp-Navassa Site
PUBLIC COMMENT SHEET

USE THIS SPACE TO WRITE YOUR COMMENTS

Your input on the Proposed Plan for the Kerr-McGee Corp-Navassa Superfund Site is important in helping EPA select a remedy for the Site. You may use the space below to write your comments, then fold and mail. A response to your comment will be included in the Responsiveness Summary.

I fully support the revised Proposed Plan for Operable Unit 1 at the former Kerr-McGee Chemical Corp site in Navassa, North Carolina. The willingness of EPA to support the Town of Navassa's proposed future plans for the site is to be commended. As an attorney I have had some experience with the Superfund process ~~and~~ so appreciate especially that EPA must abide and beyond what its regulations and policies regarding Superfund cleanup required. Navassa is a special community with a unique history. EPA's recognition of the Towns unique history is a tribute to the agency. My hope is that the multistate Trust will keep that unique history in mind when disposing of OU1.

SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 919-967-1450 | 601 WEST ROSEMARY STREET, SUITE 220 CHAPEL HILL, NC 27516-2356 | Facsimile 919-929-9421

February 26, 2021

Erik Spalvins, Remedial Project Manager
Latonya Spencer, Community Involvement Coordinator
U.S. Environmental Protection Agency
Atlanta Federal Center
Superfund Remedial Branch
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
spalvins.erik@epa.gov
spencer.laTonya@epa.gov

via email

Re: January 2021 Proposed Plan for revised OU1 at Kerr-McGee Superfund site in Navassa, North Carolina

Dear Mr. Spalvins and Ms. Spencer,

On behalf of the Navassa Community Environmental and Economic Re-Development Corporation (NCEERC), the Southern Environmental Law Center (SELC) submits these comments on the January 2021 Proposed Plan for Operable Unit 1 (OU1) at the Kerr-McGee Chemical Corporation Navassa Superfund Site.

SELC is a non-profit legal advocacy organization dedicated to protecting the environment of the Southeast. SELC believes that everyone deserves to breathe clean air, drink clean water, and live in a healthy environment. To that end, SELC works with hundreds of nonprofit partner organizations and community groups to protect our region through public education, policy advocacy, and legal action. SELC strives to incorporate principles of environmental justice in its program work.

The Navassa Community Environmental and Economic Re-Development Corporation (NCEERC) is a non-profit, community organization of concerned citizens and neighbors working to regain and redevelop property and increase community economic prosperity. A primary focus of the organization is on reclaiming and restoring productive use and providing the opportunity for people to share suggestions, comments, and concerns for the Clean-Up and Restoration of the contaminated Kerr-McGee Site. NCEERC strives for a remediated, environmentally educated, and economically prosperous future for the Navassa community.

I. Background

In winter 2019, the EPA entered the remedial investigation and feasibility study phase of the cleanup process for a small portion of the Navassa contaminated site, labelling it as OU1. At

that time, OU1 included the 32-acres where the treated and untreated wood storage areas were located during the time period that the facility was in operation. Creosote was present in soils within this 32-acre tract. By the time of the original Proposed Plan release on Monday, October 7, 2019, OU1's size was 21.6 acres. That plan was in direct conflict with redevelopment and remediation goals of the NCEERC: despite a clean-up budget of over $92 million dollars, documented contamination at OU1, and an anticipated clean-up cost at OU1 of only $3 million, the agency recommended a decision to do absolutely nothing to remediate the documented contamination there. In addition, the proposal would have required a deed restriction prohibiting residential use of any of the acreage designated as OU1.

On December 9, 2019, NCEERC submitted extensive public comments requesting reversal of that decision. Further, the Town of Navassa clearly stated its intention for residential use of the site. In response to public comments, the agency removed the most contaminated parts of OU1 from consideration in the Proposed Plan, and confirmed, in this most recent Proposed Plan, that the remaining 20.2 acres in the tract would not have a restrictive covenant preventing residential use in perpetuity.

II. Support for the New Proposed Plan for revised OU1

While NCEERC supports EPA's decision to exclude the most contaminated portions of former OU1 in the New Proposal, this is only a small step in the right direction. This plan should eventually result in a release of OU1 from its superfund designation, and ease the way for the land's use for a purpose that is more consistent with protecting public health and the environment. A complete clean-up of the remaining operable units at the site will allow for elevation of projects that directly transform the legacy of the Town of Navassa from one of brownfields and contamination caused by chemical companies to one of environmental justice, natural resource conservation and rehabilitation, and cultural heritage protection.

III. Conclusion: Future Cleanup

EPA must address all four of the remaining operable units on the site in addition to the remaining parcel from OU1 that is unsuitable for residential uses. EPA should conduct the most comprehensive clean up possible for these remaining operable units, and should take into consideration the possibility of future sustainable development, the need to remediate the environment, and the necessity of protecting the public health.

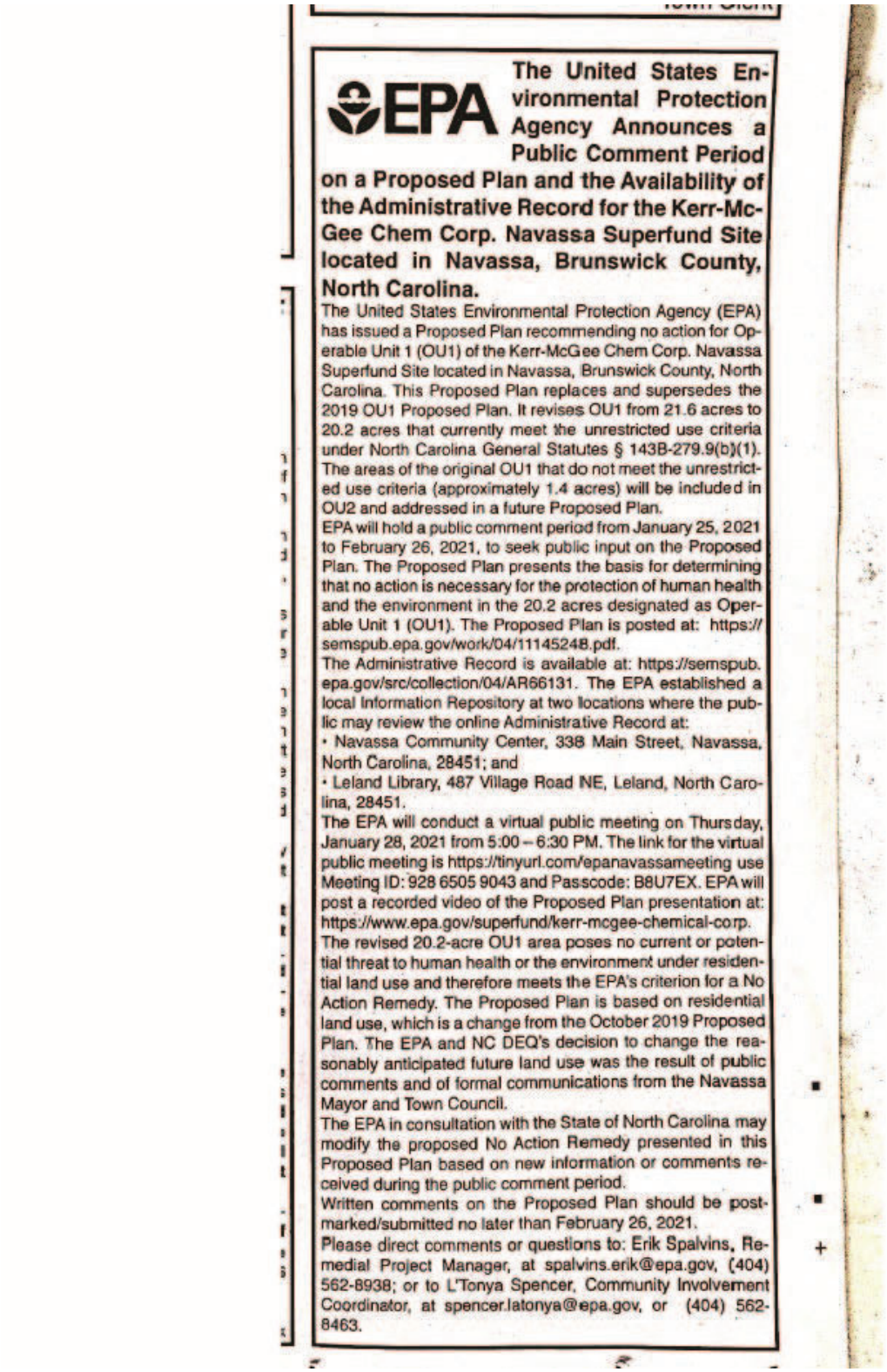
Thank you for your time and consideration of this letter.

Sincerely yours,

Chandra T. Taylor
Senior Attorney
Leader of SELC Environmental Justice Initiative

cc:
Jerry Merrick, Mayor Pro-Tem, Town of Navassa, jlmerrick26@gmail.com
Claudia Bray, Town Administrator, Town of Navassa,
via USPS, 334 Main Street, Navasssa, North Carolina 28451
Barnes Sutton, Planner, Town of Navassa, planner@townofnavassa.org
Eulis Willis, Mayor, Town of Navassa, mayor@townofnavassa.org
Michael S. Regan, Secretary, NCDEQ, Michael.regan@ncdenr.gov
Sheila Holman, Asst. Secretary, NCDEQ, Sheila.holman@ncdenr.gov
Jim Bateson, Chief, Superfund Section, NCDEQ, james.bateson@ncdenr.gov
Dave Mattison, Environmental Engineer, NCDEQ, david.mattison@ncdenr.gov
Richard Elliott, Director of Construction Services & Sr. Prjt Mgr., MST, re@g-etg.com
Chris Graham, President, NCEERC, kring2g@gmail.com

Appendix D: Public Notice



EPA The United States Environmental Protection Agency Announces a Public Comment Period on a Proposed Plan and the Availability of the Administrative Record for the Kerr-McGee Chem Corp. Navassa Superfund Site located in Navassa, Brunswick County, North Carolina.

The United States Environmental Protection Agency (EPA) has issued a Proposed Plan recommending no action for Operable Unit 1 (OU1) of the Kerr-McGee Chem Corp. Navassa Superfund Site located in Navassa, Brunswick County, North Carolina. This Proposed Plan replaces and supersedes the 2019 OU1 Proposed Plan. It revises OU1 from 21.6 acres to 20.2 acres that currently meet the unrestricted use criteria under North Carolina General Statutes § 143B-279.9(b)(1). The areas of the original OU1 that do not meet the unrestricted use criteria (approximately 1.4 acres) will be included in OU2 and addressed in a future Proposed Plan.

EPA will hold a public comment period from January 25, 2021 to February 26, 2021, to seek public input on the Proposed Plan. The Proposed Plan presents the basis for determining that no action is necessary for the protection of human health and the environment in the 20.2 acres designated as Operable Unit 1 (OU1). The Proposed Plan is posted at: https://semspub.epa.gov/work/04/11145248.pdf.

The Administrative Record is available at: https://semspub.epa.gov/src/collection/04/AR66131. The EPA established a local Information Repository at two locations where the public may review the online Administrative Record at:

- Navassa Community Center, 338 Main Street, Navassa, North Carolina, 28451; and
- Leland Library, 487 Village Road NE, Leland, North Carolina, 28451.

The EPA will conduct a virtual public meeting on Thursday, January 28, 2021 from 5:00 – 6:30 PM. The link for the virtual public meeting is https://tinyurl.com/epanavassameeting use Meeting ID: 928 6505 9043 and Passcode: B8U7EX. EPA will post a recorded video of the Proposed Plan presentation at: https://www.epa.gov/superfund/kerr-mcgee-chemical-corp.

The revised 20.2-acre OU1 area poses no current or potential threat to human health or the environment under residential land use and therefore meets the EPA's criterion for a No Action Remedy. The Proposed Plan is based on residential land use, which is a change from the October 2019 Proposed Plan. The EPA and NC DEQ's decision to change the reasonably anticipated future land use was the result of public comments and of formal communications from the Navassa Mayor and Town Council.

The EPA in consultation with the State of North Carolina may modify the proposed No Action Remedy presented in this Proposed Plan based on new information or comments received during the public comment period.

Written comments on the Proposed Plan should be postmarked/submitted no later than February 26, 2021.

Please direct comments or questions to: Erik Spalvins, Remedial Project Manager, at spalvins.erik@epa.gov, (404) 562-8938; or to L'Tonya Spencer, Community Involvement Coordinator, at spencer.latonya@epa.gov, or (404) 562-8463.

Thursday, January 28, 2021 CLASSIFIEDS Brunswick Beacon 5D

Legal Notices

NOTICE TO CREDITORS AND DEBTORS OF ROBERTA APPLEGATE

The undersigned, having qualified as Executor of the Estate of Roberta Applegate, deceased, late of 120 Windsor Circle SW, Brunswick County, NC, does hereby notify all persons, firms and corporations having claims against the estate of said decedent to exhibit them to the undersigned at the address below, on or before 14th day of April 2021, or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to the said estate will please make immediate payment to the undersigned.

This the 14th day of January 2021.

Stephen Applegate
Executor,
of the Estate of
Roberta Applegate
Trest & Twigg, PLLC
PO Box 608
Shallotte, North Carolina 28459
Telephone: (910) 575-7337
Feb. 4

STATE OF NORTH CAROLINA COUNTY OF BRUNSWICK IN THE MATTER OF THE ESTATE OF MOLLIE LOU BATES DECEASED NOTICE TO CREDITORS:

The undersigned, having qualified as Executor of the Estate of Mollie Lou Bates, deceased, late of Brunswick County, North Carolina, this is to notify all persons, firms and corporations having claims against said estate to present them to the undersigned on or before April 16, 2021, or this Notice will be pleaded in bar of recovery. All persons indebted to the said decedent or estate shall please make immediate payment to the undersigned.

This the 14th day of January, 2021.

Anthony Dean Bates
Administrator of the Estate of
Mollie Lou Bates
Anthony L. Register
ALLEY, REGISTER & MCEACHERN
701 North 4th Street
Wilmington, NC 28401
Feb. 4

ESTATE NOTICE

The undersigned, having qualified as Executor of the Estate of ROSA ENGLAND BOLEN, deceased, late of Brunswick County, hereby notifies all persons having claims against said estate to present them to the undersigned on or before April 14, 2021, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned.

This the 14th of January 2021.

Cynthia L. Blankenship,
Executor
of the Estate of
ROSA ENGLAND BOLEN
c/o Cynthia D. Bridgers, P.C.
Attorney for the Executor
8633 Beach Drive SW, Ste A
Ocean Isle Beach, NC 28469
Feb. 4

ESTATE NOTICE

The undersigned, having qualified as Executor of the Estate of Margaret Ruth Smith, deceased, late of Brunswick County, this is to notify all persons having claims against said estate to present them to the undersigned on or before the 14th day of April, 2021, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned.

This the 14th day of December, 2020.

Camella Smith
Executor
of the Estate of
Margaret Ruth Smith
2741 Old Ocean Hwy.
P.O. Box 124
Bolivia, NC 28422
Feb. 4 Pd.

ESTATE NOTICE

The undersigned, having qualified as Executor of the Estate of Betty G. Brown, deceased, late of Brunswick County, this is to notify all persons having claims against said estate to present them to the undersigned on or before the 14th day of April, 2021, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned.

This the 4th day of December, 2020.

Reeves Ivan Bates
Executor
of the Estate of
Betty G. Brown
321 Live Oak Rd.
Reidsville, NC 27320
Feb. 4 Pd.

ESTATE NOTICE

The undersigned, having qualified as Executor of the Estate of Jane Shields, deceased, late of Brunswick County, this is to notify all persons having claims against said estate to present them to the undersigned on or before the 14th day of April, 2021, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned.

This the 6th day of January, 2021

Corinne Jo Fallcaro
Executor
of the Estate of
Jane Shields
4538 Greenlane Ave.
Sarasota, FL 34231
Feb. 4 Pd.

NOTICE TO CREDITORS STATE OF NORTH CAROLINA COUNTY OF BRUNSWICK

Having qualified as Administrator of the Estate of Paul Edward Sayles Sr, late of Brunswick County, North Carolina, the undersigned does hereby notify all persons, firms and corporations having claims against the estate of said decedent to present them to the undersigned administrator for the estate on or before April 21, 2021, or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to the said estate are requested to make immediate payment to the undersigned.

This the 21 of January 2021

Paul E Sealey Jr
Administrator
Adam G. Kerr
PO Box 10941
Greensboro, NC 27404
Telephone: (336) 858-5028
Fax: (336) 464-2819
Feb. 11

NOTICE TO CREDITORS AND DEBTORS OF KENNETH WESLEY ADKINS

The undersigned, having qualified as Ancillary Executor of the Estate of Kenneth Wesley Adkins, deceased, late of 2319 Willard Henry Road., Florence, SC, does hereby notify all persons, firms and corporations having claims against the estate of said decedent to exhibit them to the undersigned at the address below, on or before 21st day of April 2021, or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to the said estate will please make immediate payment to the undersigned.

This the 21st day of January 2021.

Darlene A. Gleason
Ancillary Executor,
of the Estate of
Kenneth Wesley Adkins
Trest & Twigg, PLLC
PO Box 608
Shallotte, North Carolina 28459
Telephone: (910) 575-7337
Feb. 11

NOTICE TO CREDITORS AND DEBTORS OF WILLIAM J. COLLINS

The undersigned, having qualified as Executor of the Estate of William J. Collins, deceased, late of 53 Bayberry Circle, Brunswick County, NC, does hereby notify all persons, firms and corporations having claims against the estate of said decedent to exhibit them to the undersigned at the address below, on or before 21st day of April 2021, or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to the said estate will please make immediate payment to the undersigned.

This the 21st day of January 2021.

Mark S. Collins
Executor,
of the Estate of
William J. Collins
Trest & Twigg, PLLC
PO Box 608
Shallotte, North Carolina 28459
Telephone: (910) 575-7337
Feb. 11

ESTATE NOTICE

The undersigned, having qualified as Ancillary Executor of the Estate of Francis E. Suiter Jr., deceased, late of Brunswick County, this is to notify all persons having claims against said estate to present them to the undersigned on or before the 21st day of April, 2021, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned.

This the 20th day of December, 2020.

Annetta Joakim Suiter
Ancillary Executor
of the Estate of
Francis E. Suiter Jr.
2206 Greenleaf Drive
Gastonia, NC 28052
Feb. 11 Pd.

ESTATE NOTICE

The undersigned, having qualified as Executor of the Estate of Elvira G. Southwick aka Elvira Garcia Southwick, deceased, late of Brunswick County, this is to notify all persons having claims against said estate to present them to the undersigned on or before the 21st day of April, 2021, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned.

This the 6th day of January, 2021.

Laura Taylor Palumbo
Executor
of the Estate of
Elvira G. Southwick
aka Elvira Garcia Southwick
413 Waterside Wynd
Sunset Beach, NC 28468
Feb. 11 Pd.

NOTICE TO CREDITORS AND DEBTORS ESTATE FILE NO. 21-E-002

Having qualified as Administrator of the Estate of SACHIKO NAKAGAWA JACKSON, Deceased, late of Brunswick County, North Carolina, the undersigned hereby notifies all persons, firms and corporations having claims against said Estate to present them, duly verified, to the undersigned, care of their attorney, on or before April 30, 2021 (which date is at least three (3) months from the first publication of this notice), or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to said Estate will please make immediate settlement with the undersigned.

This the 28th day of January, 2021.

KENNETH ROLAND JACKSON
Administrator
of the Estate of

SACHIKO NAKAGAWA JACKSON
Deceased
c/o Randall S. Howe, Jr.
Atlantic Coast Law
314 Walnut Street, Suite 100
Wilmington, NC 28401-4160
Feb. 18

NOTICE OF ADMINISTRATION BRUNSWICK COUNTY CLERK OF SUPERIOR COURT ESTATE FILE #21-E-52

Having qualified as the Executor of the ESTATE OF MARGARET ANDERSON ALLISON, a/k/a MARAGRET EDENS ALLISON, deceased, late of Brunswick County, North Carolina, this is to notify all persons, firms and corporations having claims against said Estate to present them, duly verified, to the undersigned, c/o Stephen H. Morris, Essex Richards, P.A., 1701 South Boulevard, Charlotte, North Carolina 28203, on or before May 4th, 2021, or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to said Estate will please make immediate settlement with the undersigned.

This the 28th day of January, 2021.

E. Deforest Winslow, III,
Executor
of the Estate of
Margaret Anderson Allison,
a/k/a Margaret Edens Allison
c/o Stephen H. Morris
Essex Richards, P.A.
1701 South Boulevard
Charlotte, NC 28203
Feb 18

NOTICE TO CREDITORS AND DEBTORS OF PAUL R. TESSEIN

Having qualified as CO-Executors of the Estate of Paul R. Tesein, deceased, late of 2525 Dunbar Drive SW, Brunswick County, NC, does hereby notify all persons, firms and corporations having claims against the estate of said decedent to exhibit them to the undersigned at the address below, on or before 29th day of April 2021, or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to the said estate will please make immediate payment to the undersigned.

This the 26th day of January 2021.

Sean Randall Tesein &
Paula Lynn Tesein
Co-Executors,
of the Estate of
Paul R. Tesein
Trest & Twigg, PLLC
PO Box 608
Shallotte, North Carolina 28459
Telephone: (910) 575-7337
Feb. 18

TOWN OF CALABASH NOTICE OF PUBLIC HEARING ON REQUEST FOR REZONING

Notice is hereby given that the Board of Commissioners of the Town of Calabash has scheduled a public hearing on Tuesday, February 9, 2021 at 7:00 pm at Town Hall, 882 Persimmon Road, Calabash, NC. The purpose of this Public Hearing is to receive public input regarding the proposed re-zoning of the portions of Tax Parcel ID # 25500032 and 25500031 that lie adjacent to Beach Drive and currently located in the ETJ of the Town of Sunset Beach currently zoned SB MR-2 to be re-zoned to CA R-6 Residential District in conjunction with the annexation of these two parcels into the Town of Calabash. For further information regarding this request and to view a map of the area to be rezoned, you may contact Town Hall during regular business hours Monday thru Friday (910) 579-6747 x 3.

Sue Stuhr
Town Clerk

TOWN OF SHALLOTTE NOTICE OF PUBLIC HEARING

Notice is hereby given that The Town of Shallotte Board of Aldermen will conduct a public hearing on Tuesday, February 2, 2021 at 5:15 PM or soon thereafter in the Council Chambers at 110 Cheers Street in Shallotte to consider the following item(s):

Conditional Rezoning Petition-275 Smith Ave. Norris & Tunstall Consulting Engineers, P.C. on behalf of 275 Smith Ave 28470, LLC. has submitted a petition to rezone the property located at 275 Smith Avenue. Parcel ID # 18100066. They have requested that the rear portion of the property be rezoned from Residential (RM-10) to Light Industrial-Conditional (LI-C).

The Shallotte Planning Board voted unanimously at their January 12, 2021 meeting to recommend the petition be approved with several conditions.

For questions or additional information about the public hearing items, please contact Robert Waring at 106 Cheers Street, or by phone at 910-754-4032, or by email at rwaring@ownofshallotte.org. All interested citizens are encouraged to attend.

TOWN OF SUNSET BEACH PUBLIC NOTICE Unified Development Ordinance/Zoning Text Amendments

The Sunset Beach Town Council will hold a Public Hearing on Monday, February 1, 2021 at 7:00 pm in the Town Hall Council Chambers at 700 Sunset Blvd. North Sunset Beach, NC 28468 to hear comments on the following amendments:

- Consider amendments to Article 1-4, 6-7, 11-13 and Appendix A as associated with legislative update required in order to comply with NC General Statute 160D titled Local Planning and Development Regulation.

The specific amendments may be viewed on the Town website www.sunsetbeachnc.gov homepage by clicking on the link in the Land Development Regulations Update Article.

All interested citizens are encouraged to attend. If you have any questions, please call Town Hall at (910)579-6297.

Lisa Anglin
Town Clerk

NOTICE OF SALE OF PROPERTY OWNED BY TOWN OF OCEAN ISLE BEACH BY UPSET BID

PLEASE TAKE NOTICE that the Town of Ocean Isle Beach has received an offer of $ 5,745,000.00 for the purchase of certain real property owned by the Town of Ocean Isle Beach more particularly described as follows:

BEING those 5 parcels of land located off of Old Georgetown Road containing approximately 241 acres and identified as Brunswick County tax parcels 22800011, 22800011101, 22800011108, 22800011109 and 22800010041.

This offer provides for a due diligence period of 180 days from the effective date of the contract with closing to occur within 60 days of the end of the due diligence period with one possible 30 day extension.

Persons or entities wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Town Clerk, Town Hall, 111 Causeway Drive, Ocean Isle Beach, NC 28469 by 5:00 pm on February 8, 2021. At that time the Town Clerk shall open the bids, if any, and the highest qualifying bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

A qualifying higher bid is one that raises the existing offer by not less than ten percent 10% of the first $ 1000.00 of that offer and five (5%) of the remaindar of that offer.

A qualifying higher bid must be accompanied by a deposit in the amount of five percent (5%) of the bid, the deposit must be made in cash, cashier's check or certified check. The Town will return the deposit on any bid not accepted, and will return the deposit of an offer subject to upset if a qualifying higher bid is received. The Town will return or credit the deposit of the final high bidder at closing.

The buyer must pay cash at closing.

The Board of Commissioners of the Town of Ocean Isle Beach must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed. The Town, however, reserves the right to withdraw the property from sale at any time before the final high bid is accepted and a contract entered into and the right to reject at any time all bids and offers.

Further information regarding the existing offer and the exact terms and conditions thereof, please contact the office of the Town Clerk, Town Hall, 111 Causeway Drive, Ocean Isle Beach, NC 28469, or at telephone number (910) 579-2166 during normal business hours.

This 22nd day of January, 2021.

Casey R. Hayes, Town Clerk

Town of Sunset Beach 700 Sunset Blvd. North Sunset Beach, NC 28468 Advertisement for Bids

Sealed bids will be received by the Town of Sunset Beach in Town Hall until 2:00 pm on March 25, 2021. The bids will be opened publicly at Town Hall on March 25, 2021 beginning at 2:00 pm. The Contractor shall be responsible for the following:

Pavement Resurfacing on various roadways within the Town of Sunset Beach

Please contact Cindi Stephenson at Town Hall at 910-579-6297 or cstephenson@sunsetbeachnc.gov to obtain a RFP including a street listing. Appointments can be made with Dustin Graham, Public Works Director for assistance in determining the areas of proposed work (910) 579-6297.

The Town reserves the right to reject any and/or all bids, to waive any informality in any bid or to re-advertise for bids.

Lisa H. Anglin
Town Clerk

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Written comments on the Proposed Plan should be postmarked/submitted no later than February 26, 2021.

Please direct comments or questions to: Erik Spalvins, Remedial Project Manager, at spalvins.erik@epa.gov, (404) 562-8938, or to LTonya Spencer, Community Involvement Coordinator, at spencer.latonya@epa.gov, or (404) 562-8463.