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CERTIFIED MAIL #

Dr. C. Brent DeVore, President
Otterbein College Board of Trustees
Otterbein College
One Otterbein Way
Westerville, OH 43082

**Re: Audit of No Further Action Letter #07NFA271: Otterbein Equine Facility
Property
Westerville, Delaware County, Ohio
Project Number: 12100187010**

Dear Dr. DeVore:

The purpose of this letter is to notify you that the Ohio Environmental Protection Agency (Ohio EPA) has completed an audit of the no further action (NFA) letter issued under the authority of Chapter 3746 of the Revised Code for the Otterbein College Equine Facility Property, located at 800 Spring Street, Westerville, Delaware County, Ohio. Attached is the NFA Letter Audit Report for the above referenced property. Ohio EPA has issued findings of the audit to the volunteer. As you are aware, Mr. Scott M. Blanchard, of Brown and Caldwell, submitted the NFA letter to the Ohio EPA on September 15, 2007 with a request for a covenant not to sue (CNS) on behalf of the Otterbein College Board of Trustees.

Ohio Revised Code (ORC) Section 3746.17(B) requires that Ohio EPA conduct audits of at least 25 percent of the NFA letters issued during the calendar year previous to the year in which the audits are conducted. The audits conducted by Ohio EPA in 2008 were of those properties for which NFA letters were issued in 2007. The property was selected for audit from the "random audit pool" defined in OAC rule 3745-300-14, and an audit was conducted in accordance with the procedures established in that rule.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

In accordance with the ORC Chapter 3746 and OAC rule 3745-300-14, the audit was conducted to: 1) determine whether the property meets applicable standards established in the Voluntary Action Program (VAP) rules; 2) review the qualifications and work performed by the certified professional (CP) to determine whether the CP's performance resulted in the issuance of an NFA letter that is not consistent with applicable standards; and 3) review the qualifications and work performed by the certified laboratory to determine whether its performance resulted in the issuance of an NFA letter that is not consistent with applicable standards.

Summary of Audit Findings:

After review of the NFA letter and supplemental information, no significant findings related to the property were found as a result of the Tier I audit. The NFA letter audit demonstrates that the NFA letter as amended was issued in accordance with the requirements set forth in ORC Chapter 3746 and OAC Chapter 3745-300. For a complete explanation of the audit findings, see the attached NFA Letter Audit Report.

As a result of the audit findings, we recommend the following actions:

- The dug well be located and properly sealed in accordance with OAC 3745-9-10, and the monitoring well, MW-1, be regularly inspected and repaired as necessary. If MW-1 is no longer being used, then it should be properly sealed following accepted guidance (OAC 3745-9-03).
- If the demolition material on the site of generation is used to change grade on the property, and is found to be non-hazardous, then it may be used as *clean hard fill* per OAC 3745-400-01 and -05. For fill used on a site other than the site of generation, written *Notice of Intent to Fill* must be provided to the licensing authority(ies) in the location where the clean hard fill is to be placed.

The request for a CNS was approved on November 25, 2007. Based upon the information reviewed in the Tier I audit, Ohio EPA was able to conclude the property meets the applicable standards established in the VAP rules. Therefore, Ohio EPA decided not to conduct a Tier II audit, which would involve physical investigation of the property. The Otterbein College Board of Trustees has satisfied all applicable VAP rules as they apply to the property. As long as the property's use continues to comply with the conditions of the CNS, the release of liability provided by Ohio EPA will remain in good standing.

Dr. C.Brent DeVore
07NFA271 Otterbein College Equine Facility Property
NFA Letter Audit Report
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If you have any questions concerning this letter, or any audit findings made by Ohio EPA, please contact Ms. Amy Yersavich, Manager of the VAP, at (614) 644-2285 or Mr. Robin Roth, Site Coordinator, DERR-CDO at (614) 466-2476.

Sincerely,

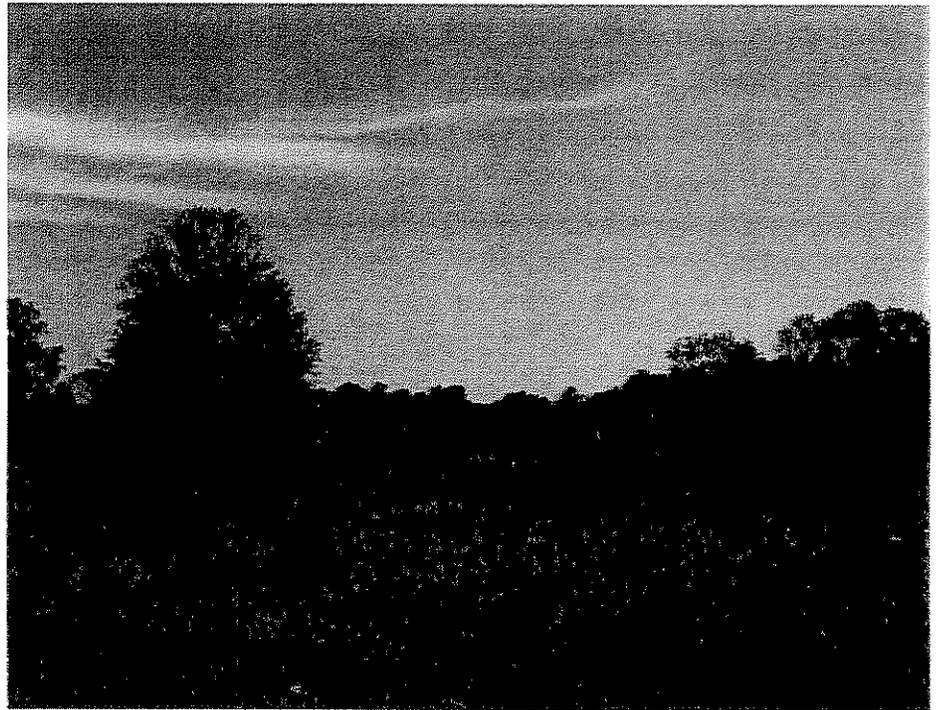


Chris Korleski
Director

Enclosure: Audit Findings Report

c: Scott M. Blanchard, Brown and Caldwell (CP No. 292) w/o attachment
Opal Davis-Johnson, Laboratory Director, TestAmerica N-Canton (CL No. CL0024) w/o attachment
Steve Rath, Manager, DSIWM-CDO
Linnea Sauko, Manager, DGW-CDO
Robin Roth, DERR-CDO
Lisa Koenig, DDAGW
Mark Navarre, OLS
Ken Schultz, Assistant Manager, DERR-CDO
Deborah Strayton, Manager, DERR-CDO
Amy Yersavich, Manager, VAP
CO and CDO Files #07NFA271

VAP NFA Letter Audit Findings Tier I Report Otterbein College Equine Facility, Westerville, Ohio



September 2008

Ted Strickland, Governor
Chris Korleski, Director

**Voluntary Action Program
NFA Letter Audit Findings - Tier I
NFA Letter Submitted in 2007**

**Otterbein College Equine Facility, Westerville, Ohio
No Further Action Letter No. 07NFA271
AUDIT REPORT – September 2008**

Name and Address of Property: Otterbein College Equine Facility
800 Spring (formerly Tussic) Road
Westerville, Ohio 43082

Name and Address of Volunteer: Otterbein College Board of Trustees
Dr. C. Brent DeVore, President
Otterbein College
One Otterbein College
Westerville, Ohio 43081

Certified Professional: Scott M. Blanchard, CP No. 292

Certified Laboratories: STL-North Canton, CL No. CL0024

Date NFA Letter Submitted: September 15, 2007 with September 28, 2007
addendum

County and Ohio EPA District: Delaware County, Ohio EPA Central District
Office

INTRODUCTION

Ohio EPA is required by Ohio Revised Code (ORC) 3746.17(B) to conduct audits of the no further action (NFA) letters received by the Ohio EPA Voluntary Action Program (VAP) during the preceding calendar year. The audit selection is required to include at least 25% of those NFA letters that relied upon a remedy and 25% of those that did not. The Otterbein College Equine Facility NFA Letter submitted on September 15, 2007, with a September 28, 2007 addendum, entered the "priority audit pool" as defined by rule and was selected in accordance with the procedures described in Ohio Administrative Code (OAC) 3745-300-14 for the selection of NFA letters for auditing. The Otterbein College Equine Facility NFA Letter was one of two randomly selected for audit from the "*random audit pool*." The selections were made based on ordering the audit pools using the random number generator formula within the Microsoft's Excel® spreadsheet software. Additionally, OAC 3745-300-14 describes the purposes for conducting audits and the scope of activities that may be conducted by Ohio EPA as part of an audit.

NFA letter audits can be conducted for one or a combination of the following purposes: (1) to determine whether the properties comply with VAP applicable standards; (2) to review

the qualifications and performance of the certified professional (CP) who issued the NFA letter; and (3) to review the qualifications and performance of the certified laboratories (CL) that performed work to support the NFA letter. The audit rule makes the distinction between Tier I and Tier II audit procedures in describing the variable levels of effort that NFA letter audits may be conducted. Tier I audits may be limited to a review of all pertinent documents that were utilized by the CP in issuing an NFA letter, but may also include a property inspection and review of additional records held by the volunteer, the CL, or property owner. Tier II audits involve additional activities, which can include additional property inspections and sampling activities that are needed to determine whether the property complies with VAP applicable standards.

A Tier I audit was conducted on the Otterbein College Equine Facility NFA Letter. As previously stated, a Tier I audit consists principally of a document review and a property inspection. Prior to beginning the Tier I audit, Ohio EPA sent audit notification letters dated April 4, 2008 to the following individuals:

- Dr. C. Brent Devore, President, Otterbein College Board of Trustees - volunteer and property owner
- Scott M. Blanchard, C.P.G., Brown and Caldwell Ohio, LLC - CP
- Opal Davis-Johnson, Laboratory Director, Severn Trent Laboratories, Inc., (STL) North Canton - CL

The NFA letter audit for the property consisted of a visual property inspection and a review and analysis of the NFA letter documentation to determine compliance with the applicable standards defined in ORC Chapter 3746 and OAC Chapter 3745-300.

The August 27, 2007 *Phase I Property Assessment Otterbein College Equine Facility 800 Spring Road, Westerville, Ohio* by Brown and Caldwell was received by Ohio EPA, CDO on September 18, 2007 along with the NFA letter form dated September 15, 2007.

On April 30, 2008, Ohio EPA, CDO received the following documents submitted by the CP in response to Ohio EPA's audit request and in support of the NFA letter:

- Ohio EPA Audit of NFA Letter for Otterbein Equine Facility (Kilgore) No. 07NFA271, Westerville, Delaware County, Project No. 12100187010 (3CDs)
File of NFA Letter Correspondence
File of Email Correspondence
File of Maps
- Copy of Fieldwork Safety Plan and Health and Safety Plan (FWSP / HASP)
- Copy of Original Boring and Well Construction Logs Installed by Brown and Caldwell
- Copy of BC Potentiometric Data
- Copy of EnviroCore Proposal
- Copy of STL Certifications
- Background Soil Samples

- Analytical Data from STL-North Canton
- Ground Water Technical Memorandum
- Copies of Records from Agency File Reviews
- Zoning Map Information
- Aerial Photographs
- Delaware Co. EMA Information (LEPC)
- Legal Property Description and Surveyor Maps (Equine Parcel Description)
- Legal Description for Existing 2.249-acre VAP Parcel
- Chain-of-Title Information
- Radius and Regulatory Database Search Reports (EDR)
- Well Logs on File with the Ohio Department of Natural Resources (ODNR)
- Metcalf & Eddy Well Logs and Sample Sheets
- Metcalf & Eddy Phase 2 Activities
- Reports from UXB, International
- USACOE Letter re: Soil Investigation/Remediation in Wetland Areas
- Kilgore Farms 111.2312-acre Property Description
- Analytical Soil Sampling Data for Herbicides and Pesticides
- Soil Data Summary Hit Tables
- M&E Historical Timeline, AOC Potential Contaminants of Concern and Sampling
- Fosnaugh, Mathew B. (April 20-21, 2007) *Ohio Journal of Science* Abstract (Metals, Soils and Microbes)
- Ohio EPA FY 2000 VAP Report to Legislature
- Previous Lawhon Site Reports; Withdrawal of CNS and Other Ohio EPA Correspondence (Lawhon/Ruma Reports)

The visual property inspection (e.g., site walkover) was performed by Ohio EPA on May 29, 2008. Ohio EPA personnel included Robin Roth, Division of Emergency and Remedial Response/Central District Office (DERR/CDO), and Lisa Koenig, Division of Drinking and Ground Waters/Central Office (DDAGW/CO). Other personnel present during the site walkover were Scott Blanchard, Brown and Caldwell; Andrew McCorkle, Brown and Caldwell; and Barry Nelson, LFR, Inc.

Scott Blanchard, CP, provided a tailgate health and safety meeting prior to entering the property. Potential hazards include insects (*i.e.*, ticks and snakes), poisonous plants (*i.e.*, poison ivy and poison oak), and slip/trip/fall hazards (*i.e.*, holes in ground); as well as heat and sun related hazards.

An overview of the historical use of the property was also provided by the CP. Following the use of the property for Quonset huts used to store finished products, the property was used for farming from the 1950s to the 1990s. The fields were tilled without incident based on an interview with the farmer. The Quonset huts, water tower, steam lines, and water lines were previously removed by Lawhon and Associates, Inc. There were also two out

buildings containing fire equipment that were removed. USB consolidated products found on the property and detonated these on-site. The CP did not observe any soil staining in the areas of the former Quonset huts. Some empty small canisters were observed along with two drum fragments. Two soil samples were collected and submitted as a de minimus demonstration.

Soil background samples were collected from the southwestern 2.31-acre portion of the property that was the subject of an initial NFA Letter No. CN00010 issued on December 10, 1996 by Mr. Russel K. Smith, CP No. 134, with Lawhon & Associates, Inc., along with the March 5 and April 15, 1997 addenda. The Director of Ohio EPA issued a covenant not to sue (CNS) on May 22, 1997 for this initial 2.31-acre property. This 2.31-acre area was incorporated into the approximate 69-acre property that is the subject of the 2007 NFA letter.

During work for a possible Clean Ohio Revitalization Fund grant application in 2004, the pesticide and herbicide results following VAP protocols were submitted under affidavit in a Phase I property assessment. The historical concentrations were found to be below applicable standards.

General observations noted during the site walkover included:

- A gravel access road with parking area, project trailer and portable toilet were present on the property.
- Small orange flags were used at the site to delineate wetland areas (by Mark Dilley, Mad Scientists, Inc.).
- Debris piles reportedly from several on campus demolition activities (96 W. Home Street, Westerville, Ohio) remain at the site for use as road base.
- Several animal trails (deer), ground nests (birds) and burrows were observed on the property.
- Debris from the former farm house remains at the property.
- According to the CP, the swale/drainage flowing through the property to the enforcement site will be addressed under the enforcement action.
- Twenty-one images were taken during this site walkover (see attached Site Walk Over: Photographs).

See attached Ohio EPA/DERR Field Activities Report, Otterbein College Equine Facility Site Walk Over: Photographs Tussic (Spring) Road, Westerville, OH 05/29/08, and the June 4, 2008 Ohio EPA Interoffice Memorandum from Lisa Koening through Jeff Patzke, DDAGW-CO to Robin Roth, DERR-CDO for further details.

Ohio EPA's Underground Injection Control Program is not aware of any injection wells having been reported for this location.

PROPERTY BACKGROUND

The property subject to the NFA letter consists of approximately 69 acres of the approximate 111-acre former Kilgore Manufacturing Facility property. This 111-acre property was originally mostly arable and surrounded by woods. In December 1941, in response to the needs of the Army Chemical Warfare Service, Kilgore Manufacturing purchased the former 111-acre property and converted it to a pyrotechnic and ordnance manufacturing facility consisting of a network of magazines, concrete buildings, Quonset huts, a water tower and other ancillary support facilities. Activities on the 111-acre property included experimental work, manufacture and assembly of incendiary items and detonation, and burning and disposal of waste materials.

From 1967 to 1986, portions of the property were farmed. This farm was known as the Kilgore Farm and was used for soy bean and corn crops. The approximate 111-acre parcel was conveyed to Otterbein College on January 1, 1990.

Several searches of the property with metal detectors and excavations of test pits at selected locations were conducted to investigate the presence of military ordnance and materials used in manufacturing them. Limited sampling of soils and ground water from one location on the 2.31-acre portion of the property were performed as part of the initial NFA letter and to demonstrate background conditions in the 2007 NFA letter. The initial 1997 NFA letter concluded that there was no evidence of disposal or ordnance on the property, although such materials were located on adjacent property (approximate 42 acres). The adjacent approximate 40-acre parcel is the subject of an Ohio EPA enforcement action.

The intended future land use of the property is for construction of the Otterbein College Equine Facility, a permanent home for the Equine Science Department field operations. Plans for this property include construction of classrooms, a residence for the equine caretaker, an animal facility (*i.e.*, stables) and event areas as well as bridle trails.

In March 2007, the entire 111-acre property reportedly received a zoning change to Planned Neighborhood District (PND). Land use surrounding the property consists of a mix of undeveloped wooded lots, wetlands, a drainage ditch, Hoover Reservoir, residential developments and public school properties.

NFA Letter Overview

The property is the subject of the NFA letter dated September 15, 2007 and a covenant not to sue (CNS) issued on November 25, 2007.

The August 27, 2007 *Phase I Property Assessment* prepared by Brown and Caldwell, included findings of April 20, 2007 and May 22, 2007 property inspections by the CP and a review of historical records for the property. The property was found to consist of woods and grass fields without buildings or structures. Although, small piles of building debris

were observed in different areas of the property. Two small 55-gallon metal drum fragments and several empty canisters were also observed on the property. Confirmatory soil samples were collected from a depth of 9-inches to 1-foot below ground surface and were analyzed for Target Compound List (TCL) volatile organic compounds (VOCs), TCL semi-volatile organic compounds (SVOCs), and Target Analyte List (TAL) metals by STL-North Canton using VAP protocols. The analytical results were reported to be below laboratory detection limits for TCL VOCs and SVOCs. Concentrations of the TAL metals were reported to be below VAP generic residential direct contact standards except for arsenic.

Eight background soil samples were collected from the initial 2.31-acre parcel and were analyzed for arsenic by STL-North Canton. Based on the calculated background concentration for arsenic in soil (e.g., upper tolerance limit of 25.3 mg/kg), the soil samples collected beneath the drum fragments were below this background concentration. Potential contaminant migration conduits were also observed. No evidence of a release of hazardous substances or petroleum was observed by the CP.

As a part of a Clean Ohio Revitalization Fund grant application in 2004, confirmatory near-surface soil samples were collected from the initial 2.31-acre parcel and analyzed for pesticides and herbicides by STL-North Canton. Reported detections of β -BHC, Dieldrin, 4,4-DDE, α -chlordane, and γ -chlordane in these soils samples were reported to have been below VAP residential applicable standards. A weight of evidence approach to determine that the ground water zones beneath the property meets unrestricted potable use standards was performed by the CP including the March 2007 installation of 12 soil borings and four monitoring wells along the boundary of the subdivided parcels and an additional 16 soil borings in April 2007.

The CP concluded that there are no identified areas associated with the historical activities on the property and that there are no identified ground water pathways between the property and the eastern parcel.

VAP technical assistance was requested on June 21, 2007 for review of the Phase I property assessment report (07TA010). Ohio EPA provided the CP with technical assistance resulting in the July 10, 2007 comments from a comprehensive review of the Phase I report. Ongoing VAP technical assistance was provided by Ohio EPA DERR/CDO and DDAGW staff during the evaluation of the ground water conditions at the property.

Ohio EPA provided comments to the CP on September 28, 2007 on review of the September 15, 2007 VAP NFA letter submittal resulting in the September 28, 2007 addendum.

AUDIT CRITERIA

On November 25, 2007, the director of Ohio EPA issued a CNS to Otterbein College Board of Trustees for the property. The criteria for auditing the technical adequacy and completeness of the NFA letter are found in ORC Chapter 3746 and OAC Chapter 3745-300. The evaluation of whether the property meets VAP applicable standards included, but was not limited to, a determination of the performance of all NFA letter activities in relation to OAC Chapter 3745-300, and the CP's compliance with the requirements set forth in OAC 3745-300-05.

Phase I property assessments conducted under the VAP are required to be performed following the standards set forth in OAC 3745-300-06 and OAC 3745-300-10.

OAC 3745-300-14(O) requires the director of the Ohio EPA to issue NFA letter audit findings that include a determination of whether VAP applicable standards, and all other requirements established under OAC Chapter 3745-300 or ORC Chapter 3746, have been met, and whether or not additional actions are required to attain compliance.

AUDIT FINDINGS

No major issues were found that would affect the CNS; however several comments and minor issues are noted below.

1. Phase I Property Assessment

- The CP took into account previous site assessment reports and sought to correct an error discovered in the address of the property in the older reports.
- The CP performed several public records requests including one on March 5, 2007 to the United States Environmental Protection Agency, Region V; however, no reply had been received as of June 8, 2007.
- A dug well and monitoring well (MW-1) on the property were noted in the Phase I report. During the May 29, 2008 site walkover, the dug well could not be located. This dug well should be located and properly sealed in accordance with Ohio Administrative Code (OAC) 3745-9-10 (see Photograph 14 in Appendix K of the NFA letter). If MW-1 (see Photograph 20 from the site walkover) is no longer being used, it should also be properly sealed following accepted guidance (OAC 3745-9-03). If this monitoring well continues to be used, then it should be regularly inspected and repaired as necessary.
- The evaluation of ground water conditions beneath the property was conducted under Phase I rules OAC 3745-300-6(D)(2) and (3) to demonstrate that off-property historic releases did not/would not impact the ground water beneath the property. The text in Chapter 5 Groundwater Demonstration incorrectly cites the Phase II rules (OAC 3745-300-07(D)(3) and (4)). Also, note that under the Phase II rules,

the demonstration is not limited to the property boundary, since it applies to ground water in any zone beneath the property.

- It was noted that many of the hand written boring logs (see Appendix I) were difficult to read. Legible boring logs (*i.e.*, computer generated or typed) should have been submitted with the NFA letter.
- Figure 2 should have clearly labeled what portions of the former Kilgore Farm Property were subject of the NFA letter issued by the CP. This figure shows *Preliminary Phase II AOCs*, which are assumed to be located on the portion of the former Kilgore Farm Property subject to an enforcement action.
- Figure 3 contained too much detail and was difficult to read. The NFA letter should have contained a map with clearly labeled boreholes, monitoring wells and surface water features. Numerical data such as top of casing or ground surface elevations, latitude and longitude can be provided in a tabular format rather than on a map.
- Cross sections were only developed in the north-south direction. To visually demonstrate that saturated sand zones did not interconnect with the property, east-west cross sections should have been developed. It is noted that a discussion concerning the presence/absence of saturated sand zones in borings in the east-west direction is included in the NFA letter.

2. Laboratory Results

- **May 29, 2007 Rusted Drum Fragment Areas:**
A copy of the affidavit by the CL pursuant to OAC 3745-300-13(M) from STL-North Canton for the May 29, 2007 Laboratory Report No. A7E090292 and a copy of the certified laboratory certification for STL-North Canton during the period of December 26, 2007 to May 18, 2008, for methods including arsenic Method 6010B, volatile organic compounds Method 8270C, semi-volatile organic compounds Methods 8260A and 8260B were included in the NFA letter. It is noted that this CL changed its name to TestAmerica N-Canton and was reinstated for analysis of mercury by Method 741A on August 23, 2004 and continued to hold this certification.
- **May 31, 2007 Arsenic Background Results:**
A copy of the affidavit by the CL pursuant to OAC 3745-300-13(M) from STL-North Canton for the May 31, 2007 Laboratory Report No. A7E240241 and a copy of the certified laboratory certification for STL-North Canton during the period of December 26, 2007 to May 18, 2008, for methods including arsenic Method 6010B were included in the NFA letter.
- **May 19, 2004 Farm Field Soil Samples:**
During the period of November 25, 2003 to September 24, 2004, STL-North Canton, was a CL for methods including organochlorine pesticides Method 8081A and chlorinated herbicides Method 8151A. However, no CL affidavit was included

in the NFA letter for Analytical Report No. A4D300294. These data are identified as “historical data” collected in 2004 for the initial Clean Ohio Revitalization Fund grant application.

- In Section 6.4 Farm Area Pesticide / Herbicide Sampling (2004), the data table contains analytical results of three soil samples. While, the May 19, 2004 data package from Severn Trent Laboratories includes analytical results of four soil samples with different sample identifications. The reported concentration of Dieldrin in Sample Farm S13 is missing from Section 6.4., although it is contained in the laboratory report in Appendix J.4. A sample location map should have been included with these data.

3. Background Determination

- Although a complete Phase II property assessment following OAC 3745-300-07 was not performed for the property, concentrations of arsenic in soil samples collected beneath the drum fragments at the property contain 17.0 and 22.0 mg/kg of arsenic, which are both above the residential land use - generic direct contact standard for a single chemical (arsenic) of 6.80mg/kg (OAC 3745-300-08).
- Laboratory analysis for nine background soil samples collected from depths of 9 to 12 inches of silty clay diamict (till) were submitted (one sample was treated as a duplicate sample). Section 6.2.1 Statistical Evaluation of Arsenic Background, applies a one-sided (95, 95) upper tolerance limit (UCL) resulting in a calculated background concentration of 25.3 mg/kg following R.T. Gibbons, 1994, *Statistical Methods for Groundwater Modeling*. If soil background levels are not determined to be consistent with OAC 3745-300-07((H)(1) or (2), then background levels may not constitute the applicable standards for soil. If data are not normally distributed or cannot be normalized, alternative statistical comparisons may be applied with consultation with an Ohio EPA DERR representative.
- The eight soil background arsenic observations appear to be lognormal at a 5% significance level when using the Lognormal Distribution Test (Shapiro Wilk Test Statistic and 5% Shapiro Wilk Critical Value) in ProUCL 4.0. The calculated UCL is not inconsistent with higher end background values based on applying nonparametric statistics such as 95% Hall's Bootstrap UCL and 95% Chebyshev upper percentile for gamma distributed data. It should be noted that even though bootstrap methods may be performed on this data set, the literature suggests using bootstrap methods on data sets having more than 10-15 observations. Assuming a lognormal distribution, higher end background values based on 95% UTL with 90% coverage or 99% Chebyshev UCL are slightly lower than the calculated UCL. Therefore, the calculated background concentration for arsenic is within a range generally believed to be acceptable.

4. Contradictory Text

- The text in Section 6.1.2.1.1 Drums states that the two drum fragments were over-packed into a new, 55-gallon drum on May 7, 2007. The final disposition of these drum fragments was not described. During the May 29, 2008 site walkover, two drum fragments were observed and identified by the CP as the drum fragments beneath which confirmatory soil samples had been collected. See Photographs 15 and 17 taken during the site walkover.

The findings of this Tier I audit are divided into three general categories: 1) compliance with VAP applicable standards, 2) the performance of the CP, and 3) the performance of the CL.

Assessment of Property's Compliance with Applicable Standards

1. The property demonstrated compliance with VAP applicable generic or property specific risk-based standards for actual and reasonably anticipated exposure pathways. There were no identified areas of concern at the property. The methods utilized to demonstrate that the property achieved compliance included the following:
 - History of former Kilgore Farms Property
 - Review of historical property information
 - Groundwater demonstration
 - Property inspection and identified de minimus areas
2. A weight of evidence approach determined that the ground water zones beneath the property meet unrestricted potable use standards. A Phase II property assessment was not required to be performed. The arsenic concentrations in shallow soils at the property were found to be below site-specific background concentrations. The applicable standards for the property were not dependent on land use restrictions. No remedial activities were planned at the property as a part of the voluntary action.
3. Below are "data gaps" or problems noted with the documentation used to support the property's compliance with VAP applicable standards.
 - Data limitations include no response to the written request for information about the site to the United States Environmental Protection Agency, Region V. The CP could have followed up on the request.
 - The statistical approach used by the CP was not approved by Ohio EPA; however, the resulting arsenic background concentration was comparable to those calculated using other acceptable statistical methods.
 - Instead of relying on several confirmatory near-surface soil samples from an 2.31-acre parcel to demonstrate that property soils were below VAP

residential applicable standards for pesticides and herbicides, the CP might have collected soil samples from a large area of the property to demonstrate laterally homogeneity of the near-surface soils at the property. In addition, an affidavit from the CL would also add weight to this line of evidence with respect to concentrations of pesticides and herbicides at the property.

- It is recognized that the drainage ditch area and any off-property contaminated ground water will be addressed as a part of the enforcement action for the adjacent approximate 40-acre parcel.

Certified Professional's Performance

As part of the NFA letter audit, a review of the CP, Scott M. Blanchard, CP No. 292 was conducted. The following findings were noted:

1. The CP was certified pursuant to OAC 3734-300-05 to issue and submit the NFA letter and addendum.
2. It is the obligation of a CP, as described in ORC 3746.11(A) and OAC 3745-300-13(A), to verify that a property complies with applicable standards, in order to issue an NFA letter. With respect to the NFA letter for the property, the CP's performance resulted in the issuance of an NFA letter that is consistent with VAP applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300.

No deficiencies were noted with the data presented by the CP. However, this was the CP's first NFA letter issued, and the CP relied heavily on VAP technical assistance provided by Ohio EPA staff prior to the issuance of the NFA letter.

3. OAC 3745-300-05(F) provides standards of conduct that apply to a CP when the CP provides professional services under ORC Chapter 3746 and OAC Chapter 3745-300(F)(1). In summary, a CP must act with care and diligence and fully apply his knowledge and skill at the time that professional services are provided.
4. The audit team identified several relatively minor issues and made suggestions to assist the CP in preparing future NFA letters. Specifically, the evaluation of ground water conditions beneath the property should have referenced Phase I rules OAC 3745-300-6(D)(2) and (3) to demonstrate that off-property historic releases did not and would not impact the ground water beneath the property.

Certified Laboratory Performance

As part of the NFA letter audit, a review of the CL, STL-North Canton, CL No. CL0024 was conducted. The following findings were noted:

The CL held VAP certification required by OAC 3745-300-04 for conducting analyses of samples for all analytical parameters in all environmental media presented in support of the

NFA letter. The CL appropriately performed all analyses as required under OAC 3745-300-04(E)(1) and (E)(2). It is noted that an affidavit for one historic laboratory report was not submitted in the NFA letter.

CONCLUSIONS and RECOMMENDATIONS

The NFA letter audit demonstrates that the NFA letter, as amended, was issued in accordance with the requirements set forth in ORC Chapter 3746 and OAC Chapter 3745-300.

1. Compliance with Applicable Standards

The NFA letter audit demonstrates that the property is in compliance with VAP applicable standards.

A letter should be sent to the volunteer with the following recommendations:

- The dug well should be located and properly sealed in accordance with OAC 3745-9-10, and the monitoring well, MW-1, should be regularly inspected and repaired as necessary. If MW-1 is no longer being used, it should be properly sealed following accepted guidance (OAC 3745-9-03).
- If the demolition material on the site of generation is used to change grade on the property, and is found to be non-hazardous, then it may be used as *clean hard fill* per OAC 3745-400-01 and -05. For fill used on a site other than the site of generation, written *Notice of Intent to Fill* must be provided to the licensing authority(ies) in the location where the clean hard fill is to be placed.

2. Certified Professional

The CP's performance resulted in the issuance of an NFA letter that, as amended, is consistent with the VAP applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300. The deficiencies noted with the CP's performance, were relatively insignificant and minimal recommendations are provided.

3. Certified Laboratory

No deficiencies were noted with the CL's performance during the laboratory analyses performed for the NFA letter.

**Ohio EPA/DERR
FIELD ACTIVITY REPORT**

Date: May 29, 2008	Time: 10:15 A.M. - 12:30 P.M.
Site: Otterbein College Equine Facility Property	Project #: 121-00187-010
Location: Westerville, Ohio	County: Delaware
Weather: Mostly Sunny	Temperature: High 74° F.
Ohio EPA personnel: Robin Roth, CDO/DERR; Lisa Koenig, CO/DDAGW	
Other personnel: Scott Blanchard, Brown and Caldwell; Andrew McCorkle, Brown and Caldwell; and Barry Nelson, LFR	
Protection level: D modified – sturdy work boots, insect and sun protection	

Field Instruments	Calibration Date	Readings at Site
PID		
CGI/O2		
Rad Meter		
Other: Garmin GPS 12 Fuji Digital Camera	03/31/08 N/A	<u>Garmin GP Readings</u> Site Trailer N40°08'27.2" W82°54'07.1" Swale – Backyard N40°08'26.0" W82°54'08.6"(? – 2D) "Big Wheel" N40°00'21.9" W82°53'55.7" MW-1 N40°08'18.7" W82°54'07.2" Former Quonset Hut N40°08'26.0" W82°54'08.6"(? – 2D)

Findings/Recommendations:

Arrived at property at 10:15 A.M. and found the gate for six-foot chain link fence with three strands of barbwire to be locked. Performed site reconnaissance in neighborhood located to east of property.

Health & Safety

Scott Blanchard, CP, provided a tailgate health and safety meeting prior to entering the property. Potential hazards include insects (i.e., ticks and snakes), poisonous plants (i.e., poison ivy and poison oak), and slip/trip/fall hazards (i.e., holes in ground); as well as heat and sun related hazards.

Historical Use

An overview of the historical use of the property was provided by the CP. Following the use of the property for Quonset huts used to store finished products, the property was used for farming from the 1950s to the 1990s. The fields were tilled without incident based on an interview with the farmer. The Quonset huts, water tower, steam lines, and water lines were removed by Lawhon & Associates, Inc. There were also two out buildings containing fire equipment that were removed. USB consolidated products found on the property and detonated these on-site. The CP did not observe any soil staining in the areas of the former Quonset huts. Some empty small cans were observed along with two drum fragments. Two soil samples were collected and submitted as a de minimus demonstration. Soil background samples were collected from the area formerly issued an NFA letter. This area was incorporated into this NFA letter.

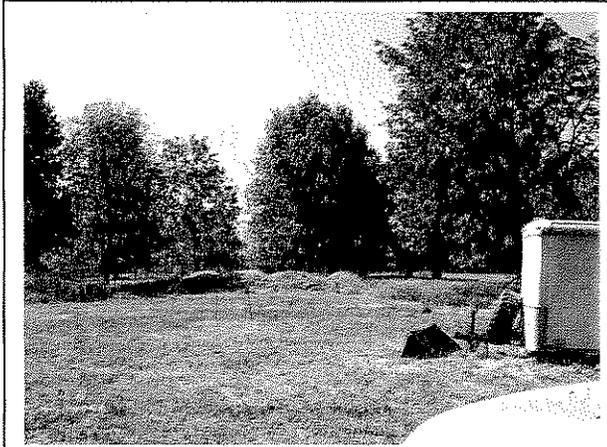
During work for a possible Clean Ohio Fund application, the pesticide and herbicide results following VAP protocols were submitted under affidavit in a Phase I Property Assessment. The historical concentrations were below applicable standards.

Observations

- A gravel access road with parking area, project trailer and portable toilet were present on the property.
- Small orange flags were used at the site to delineate wetland areas (by Mark Dilley, Mad Scientists, Inc.).
- Debris piles reportedly from several on campus demolition activities remain at the site for use as road base.
- Several animal trails (deer), ground nests (birds) and burrows were observed on the property.
- Debris from the former farm house remains at the property.
- According to the CP, the swale/drainage flowing through the property to the enforcement site will be addressed under the enforcement action.
- Twenty one images were taken during this site walkover (see attached Site Walk Over: Photographs).

Prepared by: Robin Roth	Date: June 3, 2008 Amended July 17, 2008
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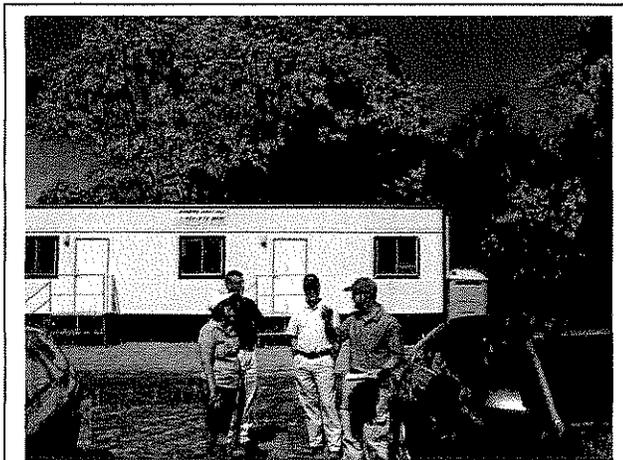
Otterbein College Equine Facility
Site Walk Over: Photographs
Tussic (Spring) Road
Westerville, OH
05/29/08



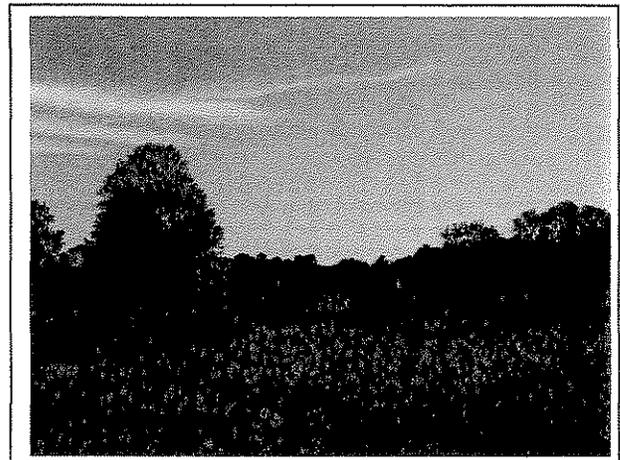
Photograph 1
Debris Piles to South



Photograph 2
Debris Piles to East



Photograph 3
Project Trailer to West

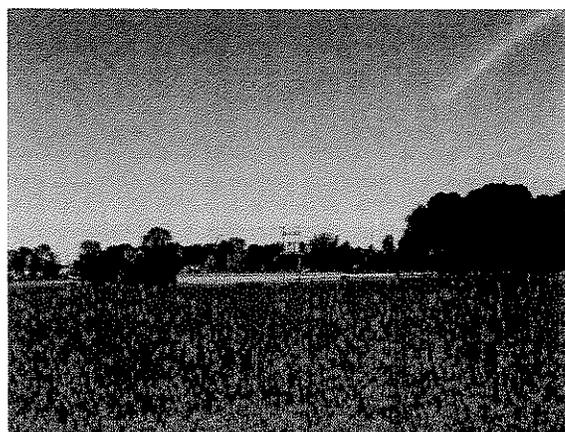


Photograph 4
Field in area of Former Water Tower to
North East

Otterbein College Equine Facility Site Walk Over: Photographs



Photograph 5
Wetland and Former Farm House Area



Photograph 6
Transformers and Construction Activities to
North West



Photograph 7
Hole in Fence to North

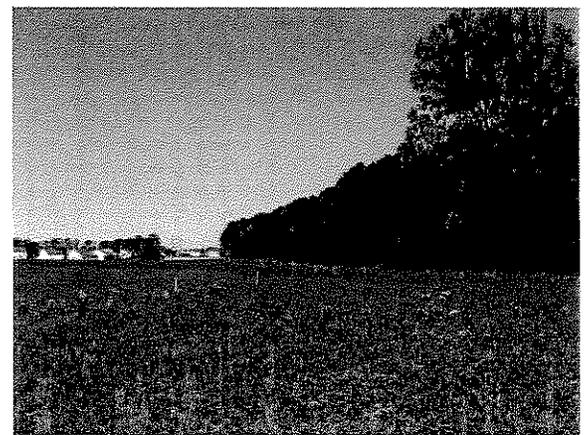


Photograph 8
Drainage Ditch to North
N40°08'26.0" W82°54'08.6"

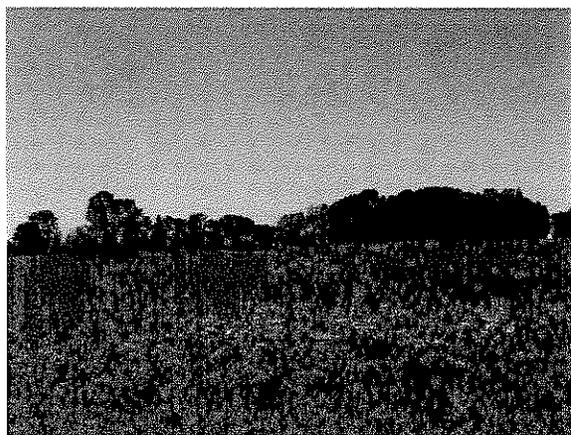
Otterbein College Equine Facility Site Walk Over: Photographs



Photograph 9
Drainage Ditch to North East



Photograph 10
VAP Property Boundary Markers to West



Photograph 11
Location of Future Fence between VAP
Property and Enforcement Property to South
West



Photograph 12
Debris from Former Quonset Hut (silvery
material appears to be a rubberized fabric)
N40°08'26.0" W82°54'08.6"

Otterbein College Equine Facility Site Walk Over: Photographs



Photograph 13
Enforcement Site: Access Road to East
(poly tank and MW-13 in background)



Photograph 14
Former Light Pole (showing above ground
electric) to South East

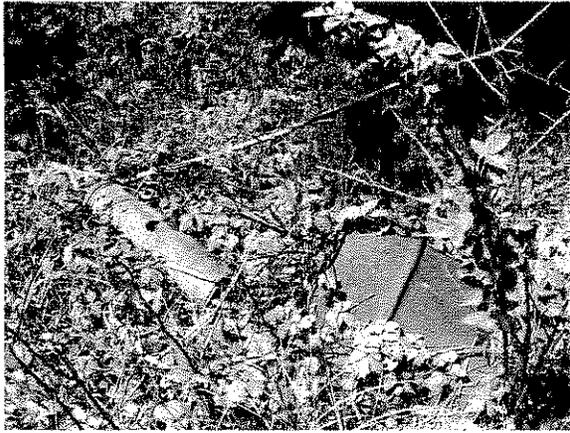


Photograph 15
Drum Fragment (D-2) and Wetland Flag



Photograph 16
Big Wheel
N40°00'21.9" W82°53'55.7"

Otterbein College Equine Facility Site Walk Over: Photographs



Photograph 17
Drum Fragment (D-1) and Over-Pack
Canister for Navy Flare



Photograph 18
Fence and Middle School to South

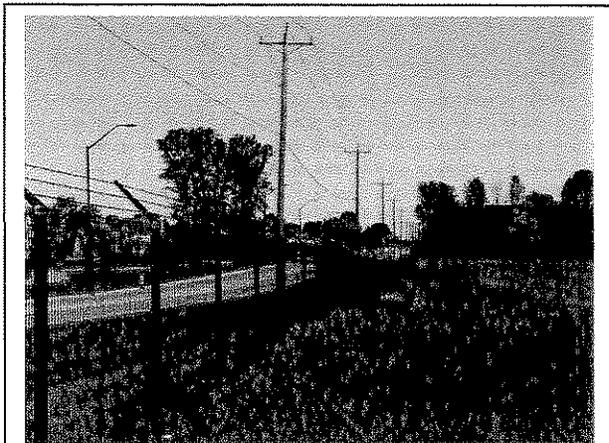


Photograph 19
Wetland, Monitoring Well, Spring Street
and Residential House to South West



Photograph 20
Monitoring Well, MW-1, (locked and pad
showing frost heave)

Otterbein College Equine Facility Site Walk Over: Photographs



Photograph 21
Fence along Spring Street to North-North
West