



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 4
 ATLANTA FEDERAL CENTER
 81 FORSYTH STREET
 ATLANTA, GEORGIA 30303-8960

PERICAD-Response, M. J.
**PLAINTIFF'S
 EXHIBIT**
I-3



**ENVIRONMENTAL ACCOUNTABILITY DIVISION
 OFFICE OF LEGAL SUPPORT**

TELECOPY TRANSMITTAL SHEET

DATE: January 2, 2001

TO: Allan J. Topol

PHONE: _____

OFFICE: Covington & Burling

FAX#: (202)778-5402

FROM: Dustin Minor
Assistant Regional Counsel

PHONE: 404-562-9548

NUMBER OF PAGES (INCLUDING TRANSMITTAL SHEET): _____

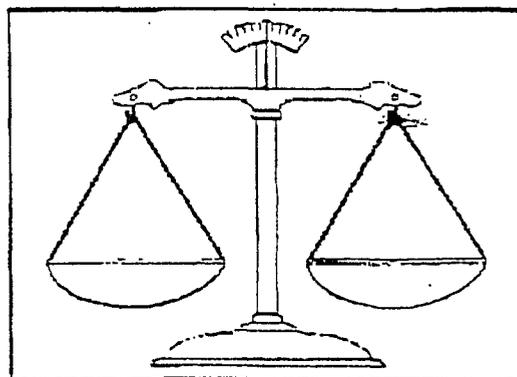
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JAN 02 2001

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Via Facsimile and Certified Mail

Allan J. Topol
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington D.C. 20044-7566

facsimile number: (202)778-5402

SUBJ: Anniston PCB Site (Site)
Remedial Investigation / Feasibility Study (RI/FS) Negotiations

Dear Mr. Topol:

This letter is intended to invite Solutia Inc. (Solutia) and Pharmacia (p/k/a Monsanto Company) (Monsanto) to begin negotiations regarding the Remedial Investigation / Feasibility Study (RI/FS) for the Site. On August 31, 2000, the Environmental Protection Agency (EPA), Region 4 sent a notice letter informing Solutia and Monsanto of their potential liability regarding the Anniston PCB Site. In order to address the short term threats posed by the Anniston PCB Site, EPA entered into an Administrative Order on Consent (AOC) for a removal action with Solutia on October 27, 2000. After the AOC was finalized, EPA accepted comments regarding the RI/FS negotiations from the community through December 4, 2000.¹ Since we will be negotiating a Consent Decree, the Department of Justice (DOJ) will be assisting EPA in the negotiations. Bill Weinischke is the DOJ attorney assigned to the case.

EPA Region 4 is willing to enter into a Consent Decree for the RI/FS if we are able to reach an agreement in principle by February 16, 2001, that contains the items listed below. EPA has incorporated the community's comments, as EPA has determined appropriate, into this list of items.

EPA is willing to enter into a Consent Decree for the RI/FS if Solutia / Monsanto agrees to the following items:

1. Perform RI/FS in accordance with EPA regulations and guidance which may include, but

¹ November 27, 2000, was stated as the deadline for comments in the Anniston Star, but EPA gave parties that requested it a one week extension to submit their comments.

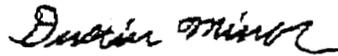
is not limited to, the following:

- a. identifying the full extent of contamination at the Anniston PCB Site, including:
 - i. Areas beyond the "floodplain;" and
 - ii. Identifying all contaminants, not just PCBs and lead, which may pose a threat to human health or the environment at the Site.
 - b. extensive oversight by EPA in all aspects of the RI/FS , including the collection of split samples;
 - c. ambient air monitoring;
 - d. sampling inside of homes for indoor house dust and indoor air quality; and
 - e. ground water sampling.
2. Fund a Risk Assessment done by EPA.
 3. Pay EPA's oversight costs of the RI/FS.
 4. Pay EPA's and ATSDR's past response costs at the Site.
 5. Provide up to \$150,000 for a Technical Assistant Plan (TAP) for the community (50,000 initially, with up to \$100,000 more if necessary)
 6. Provide funding for a comprehensive community environmental health program which includes the following items:
 - a. PCB blood evaluations;
 - b. exposure history evaluations;
 - c. for patients who exceed a PCB screening level, facility would provide medical evaluations and referrals for treatment;
 - d. community and physician health education;
 - e. community outreach;
 - f. community assistance in locating follow up treatment services;
 - g. facility would be located in the impacted area;
 - h. program would be operated by a contractor selected and overseen by ATSDR; and
 - i. program implementation would be guided by external advisory groups which would include a community advisory group.
 7. Solutia / Monsanto must identify the addresses of all property owners and residents within the floodplain of Snow and Choccolocco Creeks between the Solutia facility and Lake Logan Martin. EPA and/or ADEM intends to send all of these parties a letter informing them that their property may be contaminated with PCBs and that they should contact EPA, ADEM, and Solutia before disturbing any soil on their property. This should be done as soon as we have an agreement in principal.
 8. Provide funding for supplemental educational services to children within the impacted area.

9. Provide up to \$200,000 worth of job training to the community related to environmental remediation.
10. Provide funding for a Community Advisory Group (CAG) and/or another mechanism to provide enhanced public participation for impacted citizens.

EPA Region 4 is willing to enter into a Consent Decree for the RI/FS if we are able to reach an agreement in principle by February 16, 2001, that contains the items listed above. If we are able to reach an agreement in principal regarding these items by February 16, 2001, then EPA is willing to negotiate up to ninety (90) additional days regarding the details and language of the Consent Decree. Please provide a written response to this letter by January 12, 2001.

Sincerely,



Dustin F. Minor
Assistant Regional Counsel

cc: Tom Bisling, Assistant General Counsel, Solutia Inc.
Phyllis P. Harris, Regional Counsel and Director, Environmental Accountability Division
Russ Wright, Acting Director, Waste Management Division
Bill Weinschke, Senior Attorney, Department of Justice