

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

January 15, 2004

Bob Ferguson, Superintendent  
El Dorado Union High School District  
4675 Missouri Flat Road  
Diamond Springs, California 95619

Sent via Federal Express

William M. Wright, Esq.  
2828 Easy Street #1  
Placerville, California 95667

Sent via Federal Express & Facsimile

**URGENT LEGAL MATTER**

Re: General Notice Letter for Oak Ridge High School  
Superfund Removal Site  
1120 Harvard Way  
El Dorado Hills, California, 95762

Dear Sirs:

This letter summarizes some remaining concerns that the United States Environmental Protection Agency ("USEPA") has regarding levels of naturally occurring asbestos ("NOA") on the campus of Oak Ridge High School, located at 1120 Harvard Way, El Dorado Hills, California (95762) (the "Site"). Since the spring of 2003, we have been working closely with El Dorado County, the State of California and the El Dorado Union School District ("the District") to address issues related to potential exposure to asbestos fibers from disturbed NOA. Over the past spring and summer, the District conducted a significant amount of mitigation at the Site, at a significant cost to the District. As you know, on November 25, 2003, USEPA completed a soil sampling event at the Site. We are close to completing an initial assessment of the Site and preliminary data indicate that exposed soils contain asbestos at levels that could pose a public health threat to students, teachers, maintenance workers and others who access the Site. USEPA is responding under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9604, as amended ("CERCLA"), and Sections 300.410 and 300.415 of the National Contingency Plan ("NCP"), 40 CFR Part 300.

This letter also provides formal notice of your potential liability pursuant to Section 107(a) of CERCLA, as amended, 42 U.S.C. § 9607(a), and informs you that USEPA considers you to be a potentially responsible party ("PRP") with respect to the hazardous substances

present at the Site. Under Sections 106(a) and 107(a) of CERCLA, the District may have to pay for or undertake response actions, including removal activities that USEPA determines are necessary to protect the public health, welfare, and environment. Under CERCLA responsible parties include all current owners and operators of a site, former owners and operators at a site at the time when hazardous substances were disposed, persons who arranged for disposal of hazardous substances at a site, and persons who accepted hazardous substances for transport.

On November 24 - 25, 2003, USEPA performed a removal assessment of certain exposed soils at the Site, which indicated the presence of hazardous substances. Preliminary results of this assessment are enclosed. Based on these initial data, we are concerned about levels of total asbestos (amphibole and serpentine) of up to and above one (1.0) percent by weight in samples from a number of locations. In the course of normal activities at the Site, students, faculty, maintenance workers and visitors may be exposed to asbestos mobilized and suspended in the air outside at the Site and may carry asbestos into buildings on the Site where it can become mobilized and suspended.

USEPA requests that you immediately perform all response activities described in Enclosure A. Although this notice letter does not create a mandatory obligation on your part, if you decide not to perform these activities, USEPA may order the District to conduct the work or perform these activities ourselves. If USEPA performs the mitigation, the District may be liable for the costs USEPA incurs. If the District chooses to conduct the work with USEPA oversight, we would like to discuss details of the mitigation with District representatives before a work plan is developed, so that you know, in advance, what our expectations are regarding a comprehensive clean up at the Site.

Confirmation of your intentions to conduct these response actions should be conveyed to Daniel Suter, USEPA's On-Scene Coordinator, by January 20, 2004. OSC Suter may be reached at (415) 972-3050. For all legal questions, please contact Andrew Helmlinger, Assistant Regional Counsel at (415) 972-3904. And do not hesitate to call me at (415) 972-3132 with additional questions or for any other reason.

EPA appreciates your cooperation and looks forward to working with you on this matter.

Sincerely,

Daniel A. Meer, Chief  
Response, Planning and Assessment Branch  
Superfund Division

enclosures: Scope of Work  
Preliminary Soil Sample Results and Sample Locations

cc: Jon Morgan, El Dorado County Environmental Management

Marcella McTaggart, El Dorado County APCD  
Dr. Steven Drogin, El Dorado County Public Health  
Caren Trgovcich, California DTSC  
Jeff Cook, California ARB  
Melanie Marty, California OEHHA  
Kurt Schuparra, California EPA  
Congressman Doolittle  
Senator Feinstein  
Senator Boxer

## ENCLOSURE A

### SCOPE OF WORK

With the assistance of a licensed hazardous waste contractor:

1. Within fourteen (14) days provide EPA with a work plan that includes:
  - Proposed mitigation actions for each location to be mitigated,
  - A health and safety plan, adequate to protect removal workers and others in the vicinity of the work areas, including measures to ensure that contaminated soils are not tracked into buildings,
  - A post-mitigation sampling plan,
  - An addendum to the existing Asbestos Mitigation Operations and Maintenance Plan to cover the newly mitigated areas,
  - A schedule for the mitigation of all asbestos-containing exposed soil at the Site.
2. Perform mitigation of exposed soils. This mitigation may include capping, excavation, disposal and backfill, landscaping, or a combination of all three.
3. Clean all indoor and paved outdoor areas of the school and perform post-mitigation indoor air sampling.
4. Provide EPA with a post-mitigation report documenting all mitigation and post-mitigation activities.