



**Westlake
Chemical**

2801 Post Oak Blvd., Suite 600 ■ Houston, Texas 77056
Tel 713.960.9111 ■ Fax 999.999.9999

November 29, 2017

Administrator Scott Pruitt
The Office of the Administrator
United States Environmental Protection Agency
William Jefferson Clinton Bldg.
1200 Pennsylvania Avenue, N.W., 1101A
Washington, DC 20460

EXECUTIVE SECRETARIAT

OFFICE OF THE

2017 NOV 29 PM 3:08

RECEIVED

Dear Administrator Pruitt:

This letter responds to various communications that Westlake Chemical has received from the United States Environmental Protection Agency ("EPA") over the course of the last month related to the BF Goodrich Superfund Site, in Calvert City, Marshall County, Kentucky (the "Site"). Westlake appreciates the attention EPA has given the Site recently and the general effort by the agency to actively move the Site toward a final remedy.

In mid-October 2017, we received a draft copy of the Feasibility Study ("FS") Report for the Site. At that time, our understanding was that EPA intended to publish a Proposed Plan outlining a preferred remedy including containment of non-aqueous phase liquid ("NAPL") at the Site and under the Tennessee River. This remedial alternative had been determined to be protective of human health and the environment, in part because the NAPL under the Tennessee River can be reliably contained and is not a principal threat waste. As part of our long and cooperative history with EPA at the Site, we participated in constructive working sessions with EPA personnel to provide feedback on the draft FS.

Within the past week, however, we learned from EPA that the Proposed Plan is scheduled to be published by the end of this month and now rejects containment of NAPL under the Tennessee River, in favor of removal. We were surprised by this sudden change of direction. We have found our cooperative relationship with EPA to be highly productive in the past and we believe this can continue, but the lack of dialogue surrounding this significant change means that we have not been able to meaningfully confer with EPA. We believe that discussions with EPA, prior to the Proposed Plan being made available for public comment, would be extremely beneficial to all involved. Based on the analysis we have conducted so far, EPA's own FS (final version provided November 27, 2017) supports a containment remedy in the river (at an estimated cost of \$6.3 million) but does not seem to support the removal remedy (at an estimated cost of \$144 million) in the Proposed Plan; in fact, the FS not only deemed the containment alternative to be effective, but also concluded it has a higher score for implementability and poses less short-term risk than the removal alternative.

In light of the above, we respectfully request that EPA delay release of the Proposed Plan for public comment until the potentially responsible parties have had an opportunity to discuss the proposed remedy, and the basis for such remedy, in detail with EPA. Such dialogue would be in keeping with the cooperative framework that has formed the basis of the work on this Site to date. Moreover, given the length of time that the parties have been working toward the issuance of a Proposed Plan, the modest delay requested here is reasonable. We note that Westlake's sentiments are echoed in the letters sent to EPA by PolyOne Corporation and Goodrich Corporation today. Providing the PRPs with the opportunity to meaningfully discuss the selection of the preferred remedy with EPA will increase the effectiveness and timeliness of the ultimate remedy, reduce the associated risks, and may result in a more cost effective approach.

We appreciate your prompt attention to this matter and respectfully request a brief delay in the release of the Proposed Plan to allow for cooperative discussions while still keeping the Site actively progressing toward a final remedy.

Sincerely,

Robert F. Buesinger
Executive Vice President – Vinyl Products

CC: Trey Glenn
USEPA REGION 4
61 Forsyth Street, S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960
404-562-9900
Glenn.trey@Epa.gov

Franklin Hill
USEPA REGION 4
61 Forsyth Street, S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960
404-562-9900
Hill.franklin@Epa.gov

Caroline Freeman
USEPA REGION 4
61 Forsyth Street, S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960
404-562-9900
Freeman.caroline@Epa.gov

Secretary Charles G. Snively
Kentucky Energy and Environment Cabinet
300 Sower Blvd, 3rd Floor
Frankfort, KY 40601
502-782-7064
Charles.snively@ky.gov

Deputy Secretary Bruce Scott
Kentucky Energy and Environment Cabinet
300 Sower Blvd, 3rd Floor
Frankfort, KY 40601
502-782-7064
Bruce.scott@ky.gov

Baker Botts L.L.P.

The Warner

1299 Pennsylvania Avenue, NW

Washington, DC 20004-2400

DELIVER BY MESSENGER

TO:

Administrator Scott Pruitt
The Office of the Administrator
United States Environmental Protection Agency
William Jefferson Clinton Bldg.
1200 Pennsylvania Avenue, NW, 1101A
Washington, DC 20460

DELIVER BY

2-16



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 14 2017

Mr. Robert F. Buesinger
Westlake Chemical
2801 Post Oak Blvd., Suite 600
Houston, Texas 77056

Dear Mr. Buesinger:

Thank you for your November 29, 2017, letter to Administrator Scott Pruitt, concerning the BF Goodrich Superfund Site ("the Site"), located in Calvert City, Kentucky. Your letter requested that the U.S. Environmental Protection Agency delay the release of the Proposed Plan for the Site that was scheduled for November 30, 2017.

We appreciate the cooperative relationship demonstrated by Westlake Chemical (Westlake), PolyOne Corporation, and Goodrich Corporation, along with the Kentucky Department of Environmental Protection (KYDEP) to conduct the Remedial Investigation and Feasibility Study (RI/FS). During the working sessions on the RI/FS, the parties engaged in significant discussions with the EPA and were provided ample opportunity to provide feedback on the draft FS. During this dialogue, the EPA maintained that the remedy selection is not determined until the identification and detailed evaluation of potential alternatives is completed, the Proposed Plan is issued, and the Record of Decision is executed.

As you know, once the Proposed Plan is issued, the process for selecting the final remedy includes an opportunity for open public review and comment on the range of alternatives developed in the FS, as well as EPA's preferred alternative for the cleanup of the Site. In this regard, the Proposed Plan public comment period began on November 30, 2017, and is scheduled to run until December 30, 2017. The EPA is in receipt of Westlake's December 6, 2017, request for a 30-day extension to the comment period. The EPA will consider this request, and will notify the public of the revised comment period after the EPA has had an opportunity to consider extension requests from all parties.

The EPA invites Westlake and the other Potentially Responsible Parties to provide comments to the Proposed Plan in writing at this time for consideration.

We appreciate your desire to protect and preserve the environment and hope you find this information helpful. If I may be of further assistance, please contact me or have a member of your staff contact the EPA's Remedial Project Manager, Brad Jackson, at 404-562-8925.

Sincerely,



Franklin E. Hill, Director
Superfund Division