

# **City of Gainesville**

*City Hall  
200 East University Avenue  
Gainesville, Florida 32601*



## **Meeting Agenda**

**March 09, 2009**

**1:00 PM**

**City Commission Special Meeting**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Jack Donovan (District 3)  
Commissioner Thomas Hawkins (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Lauren Poe (District 2)  
Commissioner Craig Lowe (District 4)*

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

## ADOPTION OF THE AGENDA

### AGENDA STATEMENT

*"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited.*

### ROLL CALL

### CITY MANAGER

#### 080495.

#### **Cabot - Koppers Superfund Site - Land Use and Soil Clean-up Standards (B)**

*Explanation: Staff requested a City Commission Special Meeting to discuss future land use and soil clean-up standards in relation to potential future redevelopment of the Koppers Superfund site. City Commission approved this request as part of the November 6, 2008 Consent Agenda (Item 080495). U.S. Environmental Protection Agency (EPA) Remedial Project Manager Scott Miller will present an update on the status of this project, and be available to answer questions that may arise during the discussion. Staff will provide a brief update on the status of issues related to future land use of the Koppers site. In addition, staff has sought independent legal and professional consultation regarding approaches for achieving the most robust cleanup and for providing the greatest assurance possible that future redevelopment of the site for uses compatible with the surrounding land uses will be viable.*

*City staff has continued to work with representatives of the U.S. EPA, Alachua County, Florida Department of Environmental Protection (FDEP) and Beazer East, Inc. over the past few months on issues related to this project (Please see attachment A).*

*At the May 1, 2008, joint City of Gainesville and Alachua County Board of County Commissioners special meeting, the City of Gainesville City Commission heard a presentation on the Cabot - Koppers Superfund site. The City Commission directed staff to study the present and the future land use change of the site including, but not limited to, those areas within the site with the highest levels of contamination, and to recommend any appropriate changes to the future land use and zoning maps that may include residential or mixed residential and commercial uses. In addition, the City Commission, on June 23, 2008, adopted resolution #071173 which urged and requested that the U.S.*

*EPA, in connection with any review and approval of a final remedy for soil and ground water contamination present at the site, require that the parties responsible therefore remediate the soil and groundwater impacts present at the site to residential standards under the provisions of applicable law, including, but not limited to residential cleanup target levels under Chapter 376, Florida Statutes (2007), and Chapters 62-777 and 62-780, Florida Administrative Code. Copies of the resolution were forwarded to the U.S. EPA, Alachua County, Florida Department of Environmental Protection (FDEP) and Beazer East, Inc.*

*On July 11, 2008, city staff received a letter (Attachment C - U.S. EPA letter from Scott Miller, Remedial Project Manager to Fred Murry, Assistant City Manager) from U.S. EPA expressing concerns about the resolution, and clarifying their presentation on two former superfund sites: Atlantic Station in Atlanta, Georgia and the proposed Magnolia Project in Charleston, South Carolina. Both superfund sites were remediated to commercial/industrial soil standards. As part of the redevelopment effort, developers added barriers in the form of engineered soil covers in combination with institutional controls that present human exposure to site soils. The letter from U.S. EPA also states that the current zoning for both the Atlantic Station and Magnolia Project is mixed use.*

*It is consistent with U.S. EPA standard procedures that clean-up standards for soils at Superfund sites will be based on commercial/industrial exposures assumptions and land use if the anticipated current and future land use at a site is anticipated to commercial industrial or mixed use. U.S. EPA has indicated that the current plans for the Koppers Superfund site is that the site will be remediated to reduce human health and environmental exposure risks to levels appropriate for the current industrial land use and current and future site workers and site trespassers. U.S. EPA has also indicated that an evaluation of offsite risks to adjacent residential properties from dust from the Koppers site will need to be conducted as part of establishing on-site contaminant clean-up levels. Due to the depth and extent of contamination in the soils and groundwater at the Koppers site, institutional and engineering controls may be implemented as part of the final remedy at the site. These institutional controls will limit the future use of the site for unrestricted residential use. Based on the City Commission resolution and directive from the City Commission, staff have continued to pursue cleanup to residential standards in their review and evaluation of the Cabot - Koppers site. In parallel, staff have been working with consultants and with ACEPD to comment on the soil risk assessment approach that the U.S. EPA is taking.*

*Based on meetings with professionals with expertise in this area, the U.S. EPA and representatives of Cabot-Koppers and Beazer, making the right land use decision on the site is critical to the appropriate future development potential and use of the site. Any use of the site must take into account the surrounding land use compatibility. U.S. EPA and Beazer have indicated that unrestricted residential development is not compatible as a future use for a superfund site.*

*Given the clarified information regarding the remediation of the two sites listed above to commercial/industrial standards with additional protections imposed*

*by the owner/developer, staff needs clarification or confirmation that the City Commission would like staff to continue to study the site and recommend appropriate changes to the future land use and zoning of the site.*

*Fiscal Note: There is no fiscal impact at this time.*

**RECOMMENDATION**

*City Commission discuss Land Use and Clean up standards for the Cabot - Koppers Superfund site.*

**Legislative History**

11/6/08 City Commission Approved as Recommended (7 - 0)

080495\_RESOLUTION\_20081106.pdf

080495\_LETTER\_20081106.pdf

080495\_Planning Recommendations\_20090309.pdf

080495\_A - Correspondence\_20090309.pdf

080495\_B - EPA Memo\_20090309.pdf

080495\_C - EPA Letter\_20090309.pdf

080495\_COG PPT\_20090309.pdf

080495\_GRU PPT\_20090309.pdf

080495\_EPA PPT\_20090309.pdf

080495\_presentation\_20090309.pdf

080495\_R.Pearce\_ppt1\_20090309.pptx

080495\_R.Pearce\_ppt2\_20090309.pptx

**ADJOURNMENT**