



# At a Glance

## The EPA Needs to Improve Institutional Controls at the American Creosote Works Superfund Site in Pensacola, Florida, to Protect Public Health and IIJA-Funded Remediation

### Why We Did This Evaluation

#### To accomplish this objective:

The U.S. Environmental Protection Agency Office of Inspector General conducted this evaluation to determine whether the EPA's oversight and implementation of institutional controls will support effective use of Infrastructure Investment and Jobs Act funding at the American Creosote Works Inc. (Pensacola Plant) Superfund site in Pensacola, Florida. The EPA allocated approximately \$40 million in Infrastructure Investment and Jobs Act funds for the final remediation of this site.

**Institutional controls** are legal and administrative tools that help minimize the potential for human exposure to contamination and protect the integrity of the engineered remedy by limiting land or resource use and guiding human behavior. Examples of institutional controls include deed notices, restrictive covenants, land-use zoning, and informational mailers.

#### To support these EPA mission-related efforts:

- *Cleaning up and revitalizing land.*
- *Partnering with states and other stakeholders.*

#### To address this top EPA [management challenge](#):

- *Managing grants, contracts, and data systems.*

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### What We Found

The institutional controls that the EPA has established at the American Creosote Works Inc. (Pensacola Plant) Superfund site in Pensacola, Florida, related to contaminated groundwater and soil are not sufficient to prevent potential exposure to contamination. For contaminated groundwater, the institutional control that the EPA relied on did not prevent well drilling or require groundwater well plugging and abandonment. The EPA also did not plan to secure permission from private property owners to plug and abandon any wells that the EPA encountered during remediation, potentially wasting at least \$1.3 million in remediation funds from the Infrastructure Investment and Jobs Act, or IIJA. For contaminated soil, the EPA did not implement institutional controls to prevent potential exposure to off-facility parcel contamination or to inform the wider public of the extent of contamination. Further, the EPA does not plan to implement institutional controls on these parcels after remediation to prevent the disturbance of unremediated soil, potentially wasting \$5.4 million in IIJA funds allocated for the parcels' remediation.

The EPA is also missing opportunities to communicate the risks associated with off-facility impacted parcels to the public using the public-facing site profile webpage. **Off-facility impacted parcels** is the phrase used to refer to dioxin-contaminated soil on surrounding neighborhood parcels of land outside of the former facility's boundaries. Information included in the physical record repository and published on the site profile webpage about site contamination and remedial activities, institutional controls, site boundaries, and public responsibilities is inaccurate, difficult to find and understand, or vague.

**Without strong institutional controls and effective communication, the public remains at risk of exposure to residual contamination in the groundwater and soil from the ACW Superfund site.**

### Recommendations and Planned Agency Corrective Actions

We make eight recommendations to the regional administrator for Region 4 and one to the assistant administrator for Land and Emergency Management to improve the institutional controls at the American Creosote Works Superfund site. The EPA agreed with Recommendations 1, 2, 5, 7, 8, and 9, which are resolved with corrective actions pending. The EPA did not agree with Recommendations 3, 4, and 6, which remain unresolved.

### Noteworthy Achievements

The site's remedial project manager of 14 years demonstrated meaningful engagement with the associated community and local stakeholders, positively influencing the relationship between the EPA and the public. This engagement has allowed the project manager to guide community behavior, find creative solutions, and facilitate remedial goals.