

**Capitol City Plume  
Downtown Environmental Alliance  
Montgomery, Alabama  
EPA I.D. Number AL0 001 058 056**

**FACT SHEET**

A draft Settlement Agreement has been prepared for the Downtown Environmental Alliance (DEA). This hazardous waste site is located in Montgomery, Alabama. This fact sheet has been prepared to briefly advise the public of the principle legal and policy issues regarding the remediation of the Capitol City Plume under the Settlement Agreement.

**I. SETTLEMENT AGREEMENT MODIFICATION PROCESS**

The Settlement Agreement provides a mechanism for the continued performance of the site response actions involving the assessment and remediation of contaminated groundwater at the Capitol City Plume site. The purpose of the Settlement Agreement review process is to allow the State and the public to evaluate the DEA's ability to comply with the hazardous waste management requirements of the Alabama Hazardous Wastes Management and Minimization Act (AHWMMA), as amended. The DEA must comply with hazardous waste management conditions set forth in the settlement agreement.

**II. PROCEDURES FOR REACHING A FINAL DECISION**

In accordance with Section VIII.E. of the Agreement and ADEM Admin. Code R. 335-14-8-.08(6), a 45-day comment period will be provided for the *Institutional Controls Plan Addendum* and the draft modification to the Settlement Agreement. The comment period will begin on August XX, 2023, which is the date of publication of the public notice in major local newspaper(s) of general circulation, and will end on September XX, 2023.

Any person interested in commenting on the application or draft Agreement must do so within the 45-day comment period discussed above.

All persons wishing to comment on any of the Agreement conditions or the *Institutional Controls Plan Addendum* should submit their comments in writing to the Alabama Department of Environmental Management, Permits and Services Division, 1400 Coliseum Blvd. (zip 36110-2059), P.O. Box 301463 (zip 36130-1463) Montgomery, Alabama, ATTENTION: Mr. Russell A. Kelly.

ADEM will consider all written comments received during the comment period while making a decision regarding the modification of the Agreement for this facility. When the Department makes its final decision, notice will be given to the applicant and each person who has submitted written comments or requested notice of the final decision.

**III. SITE DESCRIPTION**

The Capitol City Plume Site is located in Downtown Montgomery, Alabama. The primary plume contaminant is tetrachloroethylene (PCE), a chlorinated solvent. The Plume also contains PCE degradation products, such as trichloroethylene (TCE). The Plume was discovered in 1993 during the construction of the Retirement Systems of Alabama (RSA) Tower energy plant near the intersection of Monroe Street and North McDonough Street. The Site was proposed to be included on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) National Priorities List (NPL) on May 11, 2000. However, the Capitol City Plume Site proposal to

the CERCLA NPL was withdrawn on September 3, 2020. Remedial actions for the site are ongoing and include annual groundwater concentration monitoring, institutional controls, and Five-Year Reviews.

#### IV. SUMMARY OF PROPOSED MODIFICATIONS

This modified Agreement will replace the current Settlement Agreement, signed on September 30, 2015 and modified on October 11, 2019. The proposed modification to the Settlement Agreement includes the inclusion of the IC Plan Addendum by reference into the Agreement and minor edits within the Agreement.

#### V. CHANGES TO THE EXISTING SETTLEMENT AGREEMENT

The specific changes to the Agreement are explained below.

<u>Part/Section</u>	<u>Reason</u>
VI. Relevant Historical Information	Updated to include the Site's withdrawal from the EPA's NPL proposal and minor edits to this section.
XXIII. Agreement History	Updated to include the date of the previous revision.
XXIII. Agreement History	Updated to include the revision to the Settlement Agreement.
Table 1. Summary of Deliverables	Updated items within the "Document Date" and "Approval Date" sections of this table.
Table 1. Summary of Deliverables	Updated the notes section to include the Remedial Action Plan Addendum (submitted under the document title Institutional Controls Plan Addendum – Downtown Environmental Assessment Project).

#### VI. TECHNICAL CONTACT FOR THE PROPOSED SETTLEMENT AGREEMENT MODIFICATION

For questions involving the technical content of this proposed Agreement modification, please contact the individual listed below:

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Governmental Hazardous Waste Branch  
Land Division  
Alabama Department of Environmental Management  
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